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# federal register

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Wednesday  
November 21, 1990

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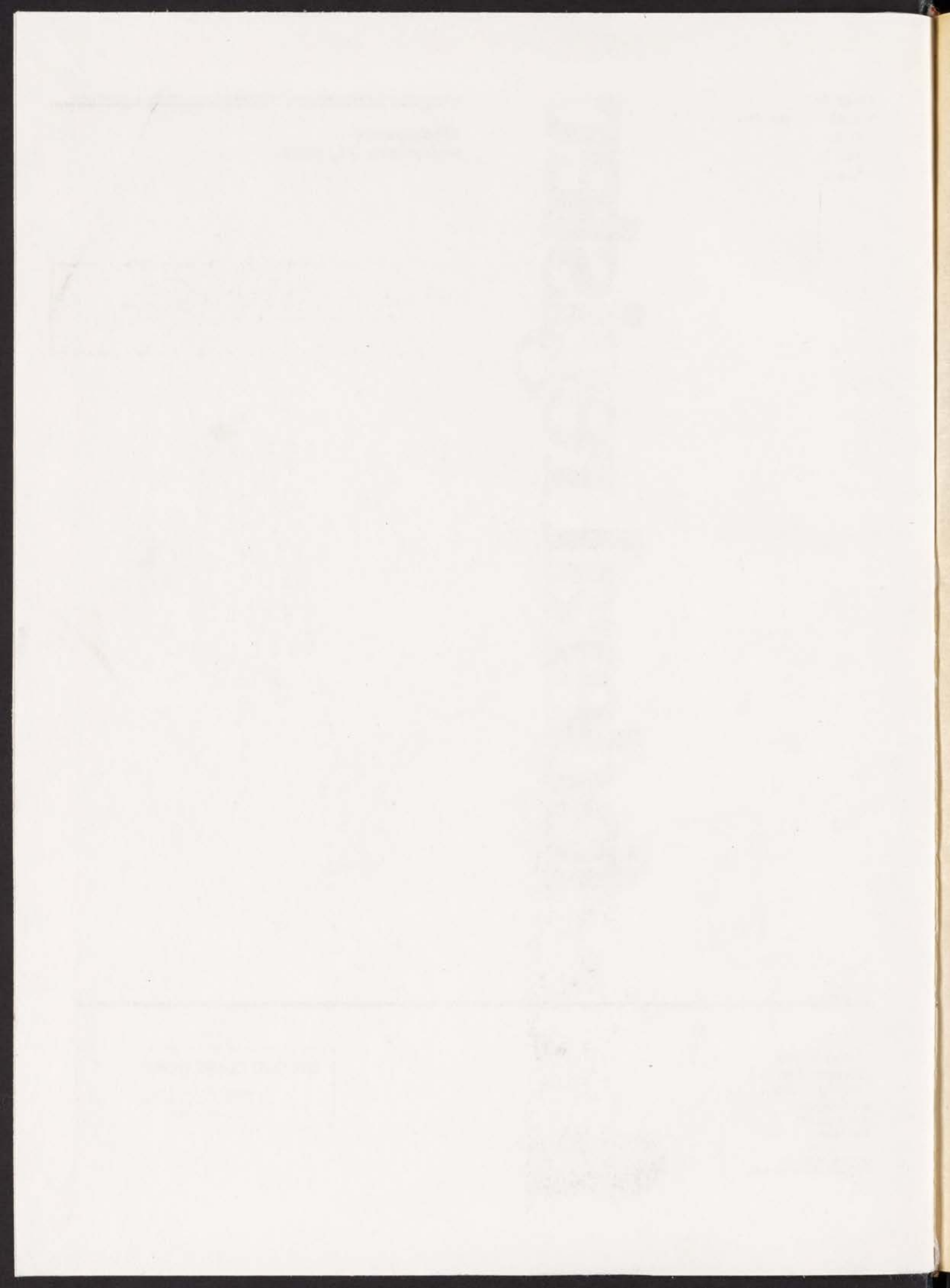
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Wednesday  
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# Federal Register





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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** November 27, at 9:00 a.m.
- WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240

### ATLANTA, GA

- WHEN:** December 12, at 9:00 a.m.
- WHERE:** Summit Building,  
401 W. Peachtree Street,  
19th Floor Conference Room,  
Atlanta, GA.
- RESERVATIONS:** 1-800-347-1997.



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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 90-ANE-33; Amdt. 39-6008]

#### Airworthiness Directives; General Electric Co. (GE) CF6-6 Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to GE CF6-6 turbofan engines, which requires initial and repetitive inspection of the compressor rear frame (CRF) manifold port plug weld for cracks, and removal from service of certain CRF casings which exceed crack length limits. This amendment is prompted by a CRF outer case failure event which resulted in an inflight shutdown, damage to the aircraft, and aborted takeoff. This condition, if not corrected, could result in rupture of the CRF outer case, which could lead to an inflight shutdown, an aborted takeoff, and/or damage to the aircraft.

**DATES:** Effective December 11, 1990.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of December 11, 1990.

**ADDRESSES:** The applicable service information may be obtained from General Electric Aircraft Engines, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Marc J. Bouthillier, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7094.

**SUPPLEMENTARY INFORMATION:** There has been one CRF outer case rupture at the compressor discharge pressure (CDP) manifold port plug. The event resulted in an aborted takeoff and damage to the aircraft engine pylon and horizontal stabilizer. Subsequent metallurgical examination of the fracture surface revealed lack of fusion in the manifold port plug electron beam weld. A low cycle fatigue crack initiated and propagated to critical length resulting in an axial rupture of the CRF outer case at the 12:00 o'clock position. This condition, if not corrected, could result in rupture of the CRF casing which could result in an inflight shutdown, an aborted takeoff, and/or damage to the aircraft.

The FAA has reviewed and approved GE CF6-6 Service Bulletin (SB) 72-971, dated October 2, 1990, which describes an installed engine visual and spot fluorescent penetrant or contrast dye penetrant inspection of the CRF outer case CDP manifold port plug weld area for cracks.

Since this condition is likely to exist or develop on other engines of the same type design, this AD requires initial and repetitive inspection of the engine and removal of cracked parts in accordance with the SB previously described.

Since this condition could result in damage to the aircraft and an aborted takeoff, there is a need to reduce the exposure of revenue service aircraft to this condition. Therefore, safety in air transportation requires adoption of this regulation without prior notice and public comment. In addition, based on the above and the need to inspect the CRF as soon as practicable, a situation exists that requires immediate adoption of this regulation. Therefore, it is found that notice and public procedure are impracticable, and good cause exists for the adoption of the amendment without public comment, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

**General Electric Company:** Applies to General Electric Company (GE) CF6-6 turbofan engines, installed on, but not limited to, McDonnell-Douglas DC10 aircraft.



Compliance is required as indicated, unless previously accomplished.

To prevent rupture of the compressor rear frame (CFR) casing which could result in an inflight shutdown, an aborted takeoff, and/or aircraft damage, accomplish the following:

(a) Perform a visual and fluorescent penetrant inspection or visible dye penetrant inspection of the CRF outer case compressor discharge pressure (CDP) manifold port plug weld area for cracks in accordance with the Accomplishment Instructions of GE CF6-8 Service Bulletin (SB) 72-971, dated October 2, 1990, at the next scheduled open cowl check not to exceed 100 flight cycles after the effective date of this AD.

(b) Remove from service, prior to further flight, CRF casings which exceed the serviceable limits specified in Table 1 of GE SB 72-971, dated October 2, 1990.

(c) Thereafter, reinspect and remove from service CRF casings in accordance with the Accomplishment Instructions and the inspection intervals and crack limits specified in Table 1 of GE SB 72-971, dated October 2, 1990.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance schedule specified in this AD may be approved by the Manager, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

The inspections and removals shall be done in accordance with the following General Electric Company document:

Document No.	Page No.	Issue/Rev	Date
GE CF6-8 SB 72-971.	All .....	Original .....	10/2/90.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft Engines, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, room 311, Burlington, Massachusetts 01803, or at the Office of the Federal Register, 1100 L Street NW., room 8301, Washington, DC 20591.

This amendment becomes effective December 11, 1990.

Issued in Burlington, Massachusetts, on November 9, 1990.

Ronald A. Vavruska,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 90-27428 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 90-ANE-24; Amendment 39-6811]

#### Airworthiness Directives; AVCO Lycoming ALF 502R Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Textron Lycoming ALF502R series turbofan engines, which requires the establishment of a new reduced stress rupture retirement life limit for certain third stage turbine disks. This amendment is prompted by three events of inflight shutdown resulting from third stage turbine blade release due to creep of the third stage turbine disk. This condition, if not corrected, could result in total loss of engine power, inflight shutdown, and possible damage to the aircraft.

**DATES:** Effective date: December 11, 1990.

**Comments:** Comments for inclusion in the docket must be received on or before December 13, 1990.

**ADDRESSES:** Submit comments in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-ANE-24, 12 New England Executive Park, Burlington, Massachusetts 01803, or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable service information may be obtained from Textron Lycoming, 550 Main Street, Stratford, Connecticut 06497. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Karen M. Grant, Engine Certification Branch, ANE-142, Engine Certification Office, Engine & Propeller Directorate, Aircraft Certification Service, FAA, 12

New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7087.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that five cases of third stage turbine blade pullout have resulted from creep of the third stage turbine disk. Investigation into these occurrences has revealed third stage turbine disk rim operating temperatures to be higher than expected. New stress and temperature analyses indicate a lower material stress rupture life capability of the third stage turbine disk.

This condition, if not corrected, could result in total loss of engine power, inflight shutdown and possible damage to the aircraft.

The FAA has reviewed and approved Textron Lycoming Service Bulletin ALF 502R 72-0002, Revision 19, dated September 5, 1990, which contains the new reduced stress rupture hour limitation and the unchanged low cycle fatigue cyclic limitation for the third stage turbine disk.

Since this condition is likely to exist or develop in other engines of the same type design, this AD requires a reduced stress rupture life hour limitation that lowers the published third stage turbine disk hour life limit from 50,000 hours to 13,300 hours time-in-service, to prevent failure of the third stage turbine disk. This determination is based upon new stress and temperature analyses. The low cycle fatigue life limit of 25,000 cycles remains unchanged. This AD also requires affected parts to be removed from service at or prior to reaching this new life limit.

Since this condition could result in a total loss of engine power and inflight shutdown should third stage turbine blades pull out, there is a need to minimize the exposure of revenue service engines to operation with third stage turbine disks that have crept. Therefore, safety in air transportation requires adoption of this regulation without prior notice and public comment. In addition, there are a number of third stage turbine disks in service that are approaching this new life limit, thus requiring the immediate adoption of this regulation. Therefore, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications



should identify the docket number and be submitted in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-ANE-24, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received by the deadline date indicated above will be considered by the Administrator and the AD may be changed in light of comments received.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034 February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

**Avco Lycoming:** Applies to Textron Lycoming Model ALF502R-3, -3A, -4, -5, and -6 turbofan engines, installed on, but not limited to, British Aerospace BAe148 type aircraft.

Compliance is required as indicated, unless previously accomplished.

To prevent third stage turbine blade release, total loss of engine power, inflight shutdown and possible aircraft damage, accomplish the following:

(a) Remove from service third stage turbine disk Part Numbers 2-143-030-05, 2-143-030-08 and 2-143-030-14, as follows:

(1) Disks which have accumulated 13,220 hours since new (HSN) or more on the effective date of this AD, within the next 80 hours in service, but not to exceed the existing cyclic life limit.

(2) Disks which have accumulated less than 13,220 HSN on the effective date of this AD, at or prior to accumulating 13,300 HSN, but not to exceed the existing cyclic life limit.

(b) Thereafter, remove disks at or prior to accumulating 13,300 HSN, but not to exceed the existing cyclic life limit.

**Note:** Textron Lycoming SB ALF502R 72-0002, Revision 19, dated September 5, 1990, contains information in reference to paragraphs (a)(1), (a)(2) and (b) above.

(c) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Textron Lycoming, 550 Main Street, Stratford, Connecticut 06497. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective December 11, 1990.

Issued in Burlington, Massachusetts, on November 6, 1990.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 90-27425 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 90-ANM-4]

#### Amendment Durango Transition Area, Durango, CO

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Durango, Colorado 1200 foot transition area. This action is necessary to provide sufficient airspace to encompass new instrument approaches at Durango-La Plata Airport and to provide an adequate holding pattern area which will accommodate the performance characteristics of modern aircraft. The area will be depicted on aeronautical charts for pilot reference, and is intended to segregate aircraft operating under Instrument Flight Rules from other aircraft which are operating under Visual Flight Rules.

**EFFECTIVE DATE:** 0901 u.t.c., December 31, 1990.

**FOR FURTHER INFORMATION CONTACT:** Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 90-ANM-4, 1601 Lind Avenue SW., Renton, Washington 98055-4056, telephone: (206) 227-2536.

#### SUPPLEMENTARY INFORMATION:

##### History

On July 16, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by altering the Durango, Colorado transition area (55 FR 30238; July 25, 1990).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Accordingly, the final rule is adopted as proposed. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F, dated January 2, 1990.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the description of the 1200 foot transition area at Durango, Colorado to provide sufficient airspace to encompass aircraft executing instrument approaches at Durango-La Plata Airport. The amended transition area will also provide sufficient airspace for holding patterns to accommodate the design characteristics of modern aircraft.

The FAA has determined that this regulation only involves an established



body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

#### Durango, Colorado Transition Areas (Amended) 1200 Foot Transition Area

Starting at:

Latitude	Longitude
37° 08' 00"	107° 26' 15"
to 37° 05' 30"	107° 18' 15"
to 36° 35' 00"	107° 53' 30"
to 36° 58' 00"	108° 25' 00"
to 37° 31' 30"	107° 47' 00"
to 37° 21' 30"	107° 34' 00"

Thence clockwise via the 17.5 mile radius of the Durango VOR; to the point of beginning, excluding other airspace which overlaps.

Issued in Seattle, Washington, on October 30, 1990.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 90-27401 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 90-AWA-5]

#### Alteration of VOR Federal Airways; New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment alters the descriptions of VOR Federal airways located in the State of New York. This amendment will realign V-145 from Watertown, NY, to Ottawa, Ontario, Canada. Also, this action will establish a segment of V-423 between Syracuse, NY, and Uplands Nondirectional Radio Beacon (NDB), Ontario, Canada. This action is the result of airway structure modification by Transport Canada and will facilitate air traffic flow into Canada along these routes.

**EFFECTIVE DATE:** 0901 u.t.c., February 7, 1991.

**FOR FURTHER INFORMATION CONTACT:** Jesse B. Bogan, Jr., Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9253.

#### SUPPLEMENTARY INFORMATION:

#### History

On May 9, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of VOR Federal airways located in the State of New York (55 FR 19275). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V-145 and V-423. This action will realign V-145 between Watertown, NY, and Ottawa, Ontario, Canada, and also will establish a segment of V-423 between Syracuse, NY, and Uplands NDB, Ontario, Canada. This action is the result of airway structure modification by Transport Canada. Air

traffic flow along these routes into Canada will be facilitated by this action.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, VOR federal airways.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.123 [Amended]

2. Section 71.123 is amended as follows:

#### V-145 [Amended]

By removing the words "INT Watertown 358° radial and the United States/Canadian border." and substituting the words "Ottawa, ON, Canada. The airspace within Canada is excluded."

#### V-423 [Amended]

By removing the words "to Syracuse, NY." and substituting the words "Syracuse, NY; Watertown, NY; to Uplands NDB, ON, Canada. The airspace within Canada is excluded."

Issue in Washington, DC, on November 9, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 90-27402 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M



## 14 CFR Part 97

[Docket No. 26379; Amdt. No. 1439]

**Standard Instrument Approach Procedures; Miscellaneous Amendments****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1990, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase—*

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:**

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for

Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Approaches, Aviation safety, Standard instrument, Incorporation by reference.

Issued in Washington, DC on November 9, 1990.

Thomas C. Accardi,  
Acting Director, Flight Standards Service.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:



*Effective February 7, 1991*

Ocean City, NJ—Ocean City Muni, VOR RWY 6, Amdt. 1  
 Clinton, OK—Clinton Muni, NDB RWY 35, Amdt. 5  
 Bonham, TX—Jones Field, VOR/DME RWY 17, Amdt. 1  
 Bonham, TX—Jones Field, NDB RWY 17, Amdt. 1  
 Gillette, WY—Gillette-Campbell, LOC/DME BC RWY 16, Orig.

*Effective January 10, 1991*

St. Clairsville, OH—Alderman, VOR-A Amdt. 2  
 East Liverpool, OH—Columbiana County, VOR RWY 25, Amdt. 2  
 East Liverpool, OH—Columbiana County, NDB RWY 25, Amdt. 6  
 Philip, SD—Philip, VOR-A, Amdt. 11

*Effective December 13, 1990*

Pine Bluff, AR—Grider Field, VOR RWY 17, Amdt. 19  
 Pine Bluff, AR—Grider Field, VOR/DME RWY 35, Amdt. 10  
 Pine Bluff, AR—Grider Field, ILS RWY 17, Amdt. 2  
 Indianapolis, IN—Indianapolis Intl, NDB RWY 5R, Orig.  
 Indianapolis, IN—Indianapolis Intl, NDB RWY 23L, Orig.  
 Indianapolis, IN—Indianapolis Intl, ILS RWY 5R, Orig.  
 Indianapolis, IN—Indianapolis Intl, ILS RWY 23L, Orig.  
 Indianapolis, IN—Indianapolis Intl, ILS RWY 23R, Amdt. 7  
 Campbellsville, KY—Taylor County, LOC RWY 23, Amdt. 1, CANCELLED  
 Campbellsville, KY—Taylor County, SDF RWY 23, Orig.  
 Detroit, MI—Willow Run, NDB RWY 5R, Amdt. 10  
 Detroit, MI—Willow Run, ILS RWY 5R, Amdt. 13  
 Charlotte, NC—Charlotte/Douglas Intl, LOC RWY 18L, Orig., CANCELLED  
 Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 18L, Orig.  
 North Wilkesboro, NC—Wilkes County, NDB RWY 1, Orig.

*Effective November 5, 1990*

Chicago, IL—Chicago Midway, NDB RWY 31C, Amdt. 13

Chicago, IL—Chicago Midway, ILS RWY 13C, Amdt. 39  
 Chicago, IL—Chicago Midway, ILS RWY 31C, Amdt. 4

*Effective June 28, 1990*

Reno, NV—Reno Cannon Intl, LOC/DME BC RWY 34L, Amdt. 1

[FR Doc. 90-27404 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment**

**AGENCY:** Department of the Navy, DOD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS SCOUT (MCM-8) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a mine countermeasures ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** November 5, 1990.

**FOR FURTHER INFORMATION CONTACT:** Captain R.R. Rossi, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall St., Alexandria, VA 22332-2400, telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C.

1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS SCOUT (MCM-8) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex 1, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a Navy ship. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine Safety, Navigation (water), Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

**Part 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS SCOUT.....	MCM 8			X	64



Dated: November 5, 1990.

Approved:

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy Judge  
Advocate General.

[FR Doc. 90-27380 Filed 11-20-90; 8:45 am]

BILLING CODE 3810-AE-M

## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 401

#### Seaway Regulations and Rules: Miscellaneous Amendments

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada publish joint Seaway Regulations and Rules. As a result of discussions with the Authority, it has been determined that a number of existing regulations need clarification. In addition, certain amendments are being made to meet existing conditions, such as permanent change in the tie-up side at Lock 2 of the Welland Canal, or to permit realistic flexibility in Seaway operations, such as allowing, with Authority or Corporation approval, the transit of vessels of greater dimensions than currently permitted. The Corporation and the Authority also are establishing a lower fee for tolls security deposits for vessels with a good payment record over a period of five years.

**EFFECTIVE DATE:** November 21, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-0091.

**SUPPLEMENTARY INFORMATION:** As a result of discussions with the Authority, the Saint Lawrence Seaway Development Corporation is amending the Seaway Regulations and Rules as described in the following summary.

The first paragraph in § 401.12(a), is amended to make it clear that mooring lines are to be available for securing on either side of a vessel.

Section 401.19 (a) and (b)(2) is amended to include the popular names of the applicable Canadian and United States laws.

In § 401.22(a), the word "weight" is being replaced by the word "displacement", which is the more appropriate term for reference to a vessel.

The references to Canadian financial entities in § 401.26 (a)(2) and (4) is amended to reflect changes to the Canadian Bank Act.

Present § 401.26(d) is redesignated as § 401.26(e) and a new § 401.26(d) is added to reduce the security for tolls required for a number of precleared vessels owned and controlled by the same individual or company and having the same representative if the individual, company, or representative has paid every toll account in the preceding five years in a timely fashion. The amount is reduced from \$2.55 per ton of the aggregate maximum tonnage of vessels within the Seaway at any one time to \$1.50 per ton for the aggregate gross registered tonnage of the precleared vessels.

Section 401.28(a) is amended to add a reference to § 401.27 to make it clear that the vessel traffic controller or any other officer will provide the instructions on what will be the appropriate speed in the conditions described in § 401.28(a). A new § 401.28(b) is added to clarify that when the Corporation or the Authority designates speeds less than the maximum set out in Schedule II, this will be transmitted as transit instructions under § 401.27. Current paragraphs 401.28 (b) and (c) are being redesignated (c) and (d) respectively.

Section 401.33 is amended to change the reference to § 401.3(d) to § 401.3 because vessels with dimensions other than any of those described in § 401.3 as a whole, not just other than those described in subsection (d), may be allowed transit with the Corporation's or the Authority's approval.

Section 401.31(a) is amended to change the reference to the applicable United States source of the rules for vessels meeting and passing to read "the Inland Rules of the United States. In § 401.33, the reference to paragraph (d) of § 401.3 is deleted. Since it is possible to allow transit of vessels of greater dimensions than those permitted under present paragraph (d), the amendment allows this with the approval of the Authority and the Corporation.

Section 401.42(a) is amended to add a new requirement for passing hand lines which now is necessary for upbound vessels at Locks 4 and 5 of the Welland Canal.

The Welland Canal Lock 2 table in § 401.43 is amended to reflect a permanent change to the tie-up side of Lock 2 to starboard for upbound vessels and to port for downbound vessels.

In § 401.61, the descriptions of the designated areas for assigned frequencies 156.7 MHz, 156.65 MHz,

156.6 MHz, and 156.55 MHz is amended to more accurately describe them.

A new § 401.65(c) is added to require specific information on destination, departure, and the nature of the cargo for departing a port, dock, or anchorage for the system if it is carrying manifested dangerous cargo.

Section 401.68(c) is amended to specifically cite the relevant Canadian and United States laws applicable to Seaway Explosives Permits.

Section 401.73 is amended to delete the word "cargo" before the word "tanks" in order to clarify that this rule concerning cleaning tanks is applicable to slop tanks, which are not cargo tanks.

Section 401.91 is amended for syntactic purposes, with no effect upon its substance.

Schedule III, Calling-In-Table, is amended to require additional message content information under items 19 and 29 for vessels proceeding through the Welland Canal and to eliminate redundant transit information under items 21 and 30. In addition, a new item 55 is added to require call-in information from vessels departing docks and harbors between mid-lake Ontario and Long Point to aid in transit planning and traffic information.

Two parties commented in response to the March 7, 1989, Notice of Proposed Rulemaking. The United States Coast Guard (USCG) and the Lake Carriers Association (LCA). Their comments were given full consideration in formulating this final rule. LCA also commented on that paragraph (a) and its reference to § 401.27 concerning compliance with instructions from Seaway vessel traffic controllers. The LCA posed that masters and pilots are best suited to determine what speed is necessary under existing conditions and, consequently, the vessel traffic controllers should only offer advice on appropriate speeds sparingly. The Authority and the Corporation want to assure the LCA that they do not intend that vessel traffic controllers direct what precise speed is necessary under all conditions; however, there will be circumstances when general speed directions from the controllers will be necessary, such as directions to the trailing vessel to slow when two vessels are approaching a lock within proximity to each other or when a vessel is exceeding the applicable speed limits. Both the United States Coast Guard and the Lake Carriers Association (LCA) commented that the proposal to amend paragraph (a) of § 401.31, which addresses vessels meeting and passing, to cite the International Regulations for Prevention of Collisions at Sea was



confusing and could be interpreted to be at variance with proper practice, which is to apply the inland rules. Part of the confusion arose from the inadvertent omission in the Notice of Proposed Rulemaking of the phrase "—Inland Rules" following the citation of the International Rules. Accordingly and at the advise of both commentators, the rule will now cite "the Collision Regulations of Canada and the Inland Rules of the United States." The second Privy Council recommendation is to change the beginning of § 401.33 to read, "The representative of a vessel shall apply for special instructions from the Corporation and the Authority." This will clearly state who is responsible for applying for special instructions.

In addition, certain changes were recommended by the Privy Council of Canada. A number of minor, non-substantive editorial changes have been made at the request of the Council. Also at the Council's suggestion, a new § 401.28(b) is added to clarify how Corporation or Authority designation of speeds less than the maximum under Schedule II will be transmitted and § 401.91 has been amended for purely syntactic purposes.

Because of an objection raised by the Privy Council, the proposed amendment to § 401.68 adding a paragraph (b) allowing the carriage of explosives quantities above the maximum now permitted is not being adopted at this time. Nevertheless, the Corporation and the Authority will reconsider it for possible future promulgation in the proposed form or otherwise. Based upon comments from the USCG, LCA, and the Privy Council, the C.I.P. and Check Point column of the Calling-In-Table under new Item 55 is being changed, for the sake of clarity, to read, "Vessels departing from ports between mid-Lake Ontario and Long Point, except vessels westbound from a Lake Erie Port and not transiting the Welland Canal." Finally, the requirement in that new Item 55 that destination be reported is required only for vessels proceeding through the Welland Canal and the table entry is corrected accordingly.

#### Regulatory Evaluation

This regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12291 does not apply. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

#### Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne by foreign vessels.

#### Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

#### List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation amends Part 401—Seaway Regulations and Rules (33 CFR part 401) as follows:

#### PART 401—AMENDED

1. The authority citation for 33 CFR part 401 is revised to read as follows:

Authority: 68 Stat. 93, 33 U.S.C. 981–990, as amended; sec. 104, Pub. L. 92–340, 86 Stat. 424; 49 CFR 1.52.

2. In § 401.12, paragraph (a) introductory text is revised to read as follows:

#### § 401.12 Minimum requirements—mooring lines and fairleads.

(a) Minimum requirements in respect of mooring lines, which shall be available for securing on either side of the vessel, winches, and the location of fairleads on vessels are as follows:

3. In § 401.19, paragraphs (a), (b)(1), and (b)(2) are revised to read as follows:

#### § 401.19 Disposal and discharge systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with the Garbage Pollution Prevention Regulations of Canada, the Great Lakes Seaway Pollution Prevention Regulations of Canada, the Clean Water Act of 1977 of the United States, and the River and Harbor Act of the United States.

(b) Garbage on a vessel shall be:

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can be disposed of in accordance with the provisions of the Garbage Pollution Prevention Regulations of Canada, the Great Lakes Sewage Pollution Prevention Regulations of Canada, the Clean Water Act of 1977 of the United States, and the River and Harbor Act of the United States.

4. In § 401.22, paragraph (a) is revised to read as follows:

#### § 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of 317.5 tonnes or less in displacement, shall transit until an application for preclearance has been made, pursuant to § 401.24 of this part, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25 of this part.

5. In § 401.26, paragraphs (a)(2) and (a)(4) are revised to read as follows:

#### § 401.26 Security for tolls.

(a) \* \* \*

(2) A deposit of money to the credit of the Corporation or the Authority with a bank in the United States or a member of the Canadian Payments Association, a corporation established by section 3 of the Canadian Payments Association Act, or a local cooperative credit society that is a member of a central cooperative credit society having membership in the Canadian Payments Association;

(4) Furnishing to the Corporation or the Authority a letter of guarantee given by an institution referred to in paragraph (a)(2) of this section.

6. Section 401.26 is further amended by redesignating the current paragraph (d) as (e) and by adding a new paragraph (d) to read as follows:

#### § 401.26 Security for tolls.

(d) Notwithstanding paragraphs (b), (c), and (e) of this section, where a number of vessels for each of which a preclearance application has been approved, are owned or controlled by the same individual or company and have the same representative, the security for tolls may be provided in an amount equal to \$1.50 per tonne for the aggregate gross registered tonnage of the



vessels if the individual, company or representative has paid every toll account received in the preceding five years within the time set out in § 401.75 of this part.

(e) \* \* \*

7. In § 401.28, paragraph (a) is revised to read as follows:

**§ 401.28 Speed limits.**

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in any area between the place set out in column I of an item of Schedule II and a place set out in column II of that item exceed the speed set out in column III or column IV of that item, whichever is designated by the Corporation and the Authority from time to time pursuant to § 401.27 of this part as being appropriate to existing water levels.

8. Section 401.28 is further amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by adding a new paragraph (b) to read as follows:

**§ 401.28 Speed limits.**

(b) Where the Corporation or the Authority designates any speed less than the maximum speeds set out in Schedule II of this part, that speed shall be transmitted as transit instructions referred to in § 401.27 of this part.

(c) \* \* \*

(d) \* \* \*

9. In § 401.31, paragraphs (a) and (b) are revised to read as follows:

**§ 401.31 Meeting and passing.**

(a) The meeting and passing of vessels shall be governed by the Collision Regulations of Canada and the Inland Rules of the United States.

(b) No vessel shall meet another vessel within the area between the caution signs at bridges or within any area that is designated as a "no meeting area" by signs erected by the Corporation or the Authority in that area.

10. Section 401.33 is revised to read as follows:

**§ 401.33 Special instructions.**

The representative of a vessel shall apply for special instructions from the

Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges, vessels in tow and vessels whose limits exceed the requirements of § 401.3 of this part, and such vessels shall not transit except in compliance with such instructions.

11. Section 401.42 is amended by removing the word "and" at the end of paragraph (a)(2), by removing the period at the end of paragraph (a)(3) and replacing it with the words ";and", and by adding a new paragraph (a)(4) to read as follows:

**§ 401.42 Passing hand lines.**

(a) \* \* \*

(4) Upbound vessels in Locks 4 and 5, Welland Canal, in excess of 218 m shall secure the hand line in the eye of No. 1 mooring wire by means of a bowline.

12. In § 401.43, the Welland Canal table is amended by revising column 2 to read as follows:

**§ 401.43 Mooring table.**

\* \* \*

WELLAND CANAL

1	2	3	4	5	6	7	Guard Cate Cut	8
Locks:								
Upbound *****	Starboard		*	*	*	*	*	*
Downbound *****	Port		*	*	*	*	*	*
Tieup walls:								
Upbound *****	Starboard		*	*	*	*	*	*
Downbound *****	Port		*	*	*	*	*	*

13. Section 401.61 is revised to read as follows:

**§ 401.61 Assigned frequencies.**

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16) Distress and Calling.

156.7 MHz (channel 14) Working (Canadian Stations in Sector 1 and the Welland Canal).

156.65 MHz (channel 13) Working (U.S. Stations in Lake Ontario and Sector 4 of the River).

156.6 MHz (channel 12) Working (U.S. Stations in Sector 2 of the River).

156.55 MHz (channel 11) Working (Canadian Stations in Sector 3, Lake Ontario and Lake Erie).

14. Section 401.65 is amended by adding a new paragraph (c) to read as follows:

**§ 401.65 Communication—ports, docks and anchorages.**

(c) Every vessel shall, upon departing from a port, dock or anchorage, report to the appropriate Seaway station its destination and the expected time of arrival at the next check point and, if carrying manifested dangerous cargo, report the nature, quantity, IMO classification, and stowage location of the manifested dangerous cargo.

15. In § 401.68, paragraph (c) is revised to read as follows:

**§ 401.68 Explosives permit.**

(c) A written application for a Seaway Explosives Permit certifying that the cargo is packed, marked, and stowed in accordance with the Canadian Regulations respecting the Carriage of Dangerous Goods, the United States

Regulations under the Dangerous Cargo Act, and the International Maritime Dangerous Goods Code may be made to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 or to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, K6J 3P7.

16. Section 401.73 is revised to read as follows:

**§ 401.73 Cleaning tanks—hazardous cargo vessels.**

Cleaning and gas freeing of tanks shall not take place:

(a) In a canal or a lock;

(b) In an area that is not clear of other vessels or structures; and

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.



17. Section 401.91 is revised to read as follows:

**§ 401.91 Removal of obstructions.**

The Corporation or the Authority may take such action at the owner's expense

as the Corporation or the Authority deems necessary to move any vessel, cargo or thing that, in its opinion, obstructs or hinders transit on any part of the Seaway.

**Schedule III [Amended]**

18. In part 401, subpart A, items 19, 21, 29, and 30 of Schedule III, Calling-in Table, are amended by revising column three, Message content, to read as follows:

**SCHEDULE III—CALLING-IN TABLE**

C.I.P. and checkpoint	Station to call	Message content
19. * * *	* * *	1. Name of Vessel. 2. Location. 3. Manifested dangerous cargo, including: —nature and quantity. —IMO classification. —location where dangerous cargo is stowed. and, if proceeding to Welland Canal, 4. Destination. 5. Drafts, fore and aft. 6. Cargo. 7. Pilot requirement—Lake Erie.
21. * * *	* * *	1. Name of Vessel. 2. Location.
29. * * *	* * *	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16 or Port. 4. Manifested dangerous cargo, including: —nature and quantity. —IMO classification. —location where dangerous cargo is stowed. and, if proceeding to Welland Canal, 5. Destination. 6. Drafts, fore and aft. 7. Cargo. 8. Pilot requirement—Lake Ontario.
30. * * *	* * *	1. Name of Vessel. 2. Location.

**Schedule III [Amended]**

19. In part 401, subpart A, Schedule III, Calling-in Table, is amended by adding the following new item 55:

**SCHEDULE III—CALLING-IN TABLE**

C.I.P. and checkpoint	Station to call	Message content
<b>Upbound and Downbound Vessels</b>		
55. Vessels departing from ports between mid-lake Ontario and Long Point, except vessels westbound from a Lake Erie port and not transiting the Welland Canal.	Appropriate Seaway station for sector.	1. Name of Vessel. 2. Location. 3. Manifested dangerous cargo: —nature and quantity —IMO classification —location where dangerous cargo is stowed. and if proceeding to Welland Canal, 4. Destination. 5. Drafts, fore and aft. 6. Cargo. 7. Pilot requirement: —Lake Erie if upbound or Lake Ontario if downbound.



Issued at Washington, DC on November 16, 1990.

Saint Lawrence Seaway Development Corporation.

James L. Emery,  
Administrator.

[FR Doc. 90-2736 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-61-M

## COPYRIGHT ROYALTY TRIBUNAL

### 37 CFR Part 308

[CRT Docket No. 89-5-CRA]

#### Adjustment of the Syndicated Exclusivity Surcharge

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule; correction.

**SUMMARY:** The Tribunal is correcting an error in the wording of the final rule which appeared in the *Federal Register* of August 16, 1990 (55 FR 33604, 33613). Those rules concerned the syndicated exclusivity surcharge which some cable systems have paid since 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., suite 450, Washington, DC 20036 (202-653-5175).

**SUPPLEMENTARY INFORMATION:** On August 16, 1990, the Tribunal issued its final rule adjusting the syndicated exclusivity surcharge. 55 FR 33604, 33613. In the text of the determination and in the final rule, the description of the measurement of the distance between the cable system and the broadcast station was described as the broadcast station being 35 miles from the cable system.

In order to avoid any potential ambiguity in interpreting this distance, the Tribunal is transposing the reference points in the sentence to coordinate with the FCC definition, which refers to the cable system being 35 miles from the broadcast system. This amendment thus clarifies that the FCC definition of actual location point of a broadcast station is incorporated by the Tribunal. This was the original intention of the Tribunal.

Consequently, the Tribunal is correcting the final rule which described the commercial VHF station as being more than 35 miles from the cable system. It is being changed to read "a cable system which is located more than 35 miles from a commercial VHF station."

List of Subjects in 37 CFR Part 308

Cable television, Copyright.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR part 308 as follows:

#### PART 308—ADJUSTMENT OF ROYALTY FEE FOR COMPULSORY LICENSE FOR SECONDARY TRANSMISSION BY CABLE SYSTEM

1. The authority citation for part 308 continues to read as follows:

Authority: 17 U.S.C. 801(b)(2) (A), (C) and (D).

2. Section 308.2(d) introductory text is revised to read as follows:

§ 308.2 Royalty fee for compulsory license for secondary transmission by cable systems.

(d) Commencing with the first semiannual accounting period of 1990 and for each semiannual accounting period thereafter, in the case of a cable system which is located more than 35 miles from a commercial VHF station, but that station places a predicted Grade B contour, in whole or in part, over the cable system, and is not "significantly viewed" or otherwise exempt from the FCC's syndicated exclusivity rules in effect on June 24, 1981, for each distant signal equivalent or fraction thereof represented by the carriage of such commercial VHF station, the royalty rate shall be, in addition to the amount specified in paragraph (a) of this section,

(1) \* \* \*

Dated: November 15, 1990.

J.C. Argetsinger,  
Chairman.

[FR Doc. 90-27367 Filed 11-20-90; 8:45 am]

BILLING CODE 1410-09-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

42 CFR Parts 433, 435, 436, 440, and 447

[MB-014-F]

RIN 0938-AD16

#### Medicaid Program; Eligibility Groups, Coverage, and Conditions of Eligibility; Legislative Changes under OBRA '87, COBRA, and TEFRA

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

**SUMMARY:** This rule amends the Medicaid regulations to incorporate or revise the following mandatory and

optional eligibility groups of individuals for Medicaid coverage: (1) Pregnant women; (2) qualified children under a specified age; (3) children in adoptions and foster care; (4) certain disabled widows and widowers; and (5) certain disabled children being cared for at home. The rule also adds a condition of eligibility relating to third party liability for medical assistance expenditures. The amendments conform the regulations to certain statutory provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982.

**EFFECTIVE DATE:** These regulations are effective on December 21, 1990. State agencies have until 90 days after receipt of a revised State plan preprint to submit their plan amendments and required attachments. We will not hold a State to be out of compliance with the requirements of these final regulations if the State submits the necessary preprint plan material by that date.

**FOR FURTHER INFORMATION, CONTACT:** Marinos Svolos, (301) 966-4452.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title XIX of the Social Security Act (the Act) provides authority for States to establish Medicaid programs to provide medical assistance to needy individuals. Section 1902(a)(10) of the Act describes most of the groups of individuals to whom medical assistance may be provided under two broad classifications: The categorically needy (section 1902(a)(10)(A)) and the medically needy (section 1902(a)(10)(C)). The categorically needy classification is further divided into two subgroups: The mandatory categorically needy which, generally, States with Medicaid programs must cover (section 1902(a)(10)(A)(i)); and the optional categorically needy which States, at their option, may cover (section 1902(a)(10)(A)(ii)). Coverage of the medically needy group is also at States' option. In addition, sections 1902(a)(47) and 1902(e) describe special coverage groups dealt with in this rule—newborn children of Medicaid-eligible women, pregnant women eligible during a presumptive period and for an extended postpartum period, certain disabled children being cared for at home, and certain ventilator dependent individuals.

Section 1905 of the Act defines medical assistance and specifies the services that constitute medical assistance. Section 1902(a)(10) (A) and



(C) specify the groups for which certain services are mandatory and certain conditions under which they must be provided. The remaining services are optional. Section 1902(a)(10)(B) contains requirements governing the amount, duration, and scope of services that must be furnished and section 1902(a)(10) (in the material at the end of the section) provides certain exceptions to the requirements that comparable services be provided to certain groups.

Section 1912 of the Act specifies certain conditions of eligibility relating to third party liability that applicants and recipients of Medicaid must meet.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Public Law 99-272, enacted on April 7, 1986, amended certain provisions of the Social Security Act relating to eligibility and coverage of certain categorically and medically needy groups of individuals. Final regulations that incorporate these two COBRA provisions into the Code of Federal Regulations were published in the *Federal Register* on November 9, 1987 (52 FR 43063). COBRA provided for extended Medicaid coverage of pregnancy-related and postpartum care for women who had been pregnant (section 9501(b) and (c)); changed the eligibility criteria for, and State of residence of, children receiving adoption assistance or foster care maintenance payments (sections 9529 and 12305); provided for Medicaid eligibility for children with special medical or rehabilitative needs who are under State adoption assistance agreements (section 9529) and certain disabled widows and widowers (section 12202); and established a new condition of eligibility for Medicaid applicants and recipients relating to cooperation in identifying and providing information to assist the States in pursuing third parties that may be liable for payments for medical assistance (section 9503).

The Omnibus Budget Reconciliation Act of 1987 (OBRA '87), enacted on December 22, 1987 (Pub. L. 100-203), amended two provisions of the Act that had been included in or amended by COBRA:

- Section 4101(c) of OBRA '87 amended section 1905(n) of the Act, effective October 1, 1988, to expand the definition of qualified children to cover children who have not attained the age of 6 (or any age designated by the State that exceeds 6 but does not exceed 8). Effective October 1, 1989, States must cover qualified children who do not exceed age 7 (or any age designated by the State that exceeds 7 but does not exceed 8).

- Section 4101(e) of OBRA '87 amended section 1902(e)(5) of the Act to provide for extended Medicaid coverage of pregnancy-related and postpartum services for pregnant women through the end of the month in which a 60-day period following termination of pregnancy ends. The 60-day period begins on the last day of pregnancy. Under COBRA, this postpartum period extended only for the 60 days after termination of pregnancy, beginning on the last day of pregnancy. The OBRA '87 provision is effective as if it had been included in the enactment of COBRA—that is, it applies to Medicaid furnished on or after April 7, 1986. (Related amendments made by OBRA '87 concerning coverage of and services to pregnant women, infants, and children with incomes under specified poverty levels are being incorporated into a separate document.)

## II. Proposed Regulations

On February 23, 1989, we published in the *Federal Register*, at 54 FR 7798, a Notice of Proposed Rulemaking to solicit comments on proposed changes to existing Medicaid regulations to incorporate certain statutory provisions of OBRA '87, COBRA, and the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Pub. L. 97-248. COBRA and OBRA '87 added or amended several eligibility groups of individuals for Medicaid coverage, extended coverage of services to women who had been pregnant, and added a new condition of eligibility relating to third party liability for Medicaid applicants and recipients. TEFRA made amendments (further amended by OBRA '87) regarding Medicaid eligibility of disabled children being cared for at home.

Specifically, COBRA and OBRA '87 amended the various sections of the Social Security Act previously described to—

- Provide for extended eligibility and mandatory Medicaid coverage of pregnancy-related and postpartum services for 60 days after termination of pregnancy for Medicaid-eligible women who had been pregnant (section 9501(c) of COBRA). Section 4101(e) of OBRA '87 extended eligibility for postpartum services to the end of the month in which the 60th day falls.

- Allow States to provide more extensive prenatal care and postpartum services to pregnant women than the covered services that they now provide to other Medicaid-eligible individuals, by providing an exception to the comparability of services requirement contained in section 1902(a)(10) of the Act (section 9501(b) of COBRA).

- Specify that, for purposes of Medicaid eligibility, children who are receiving adoption assistance or foster care maintenance payments under title IV-E of the Act (Federal Payments for Foster Care and Adoption Assistance) are deemed to be AFDC recipients in the State in which they actually reside, rather than the State making the title IV-E payment (sections 9529(a) and 12305 of COBRA).

- Redefine the mandatory qualified children eligibility group to expand the age level from under age 5 to up to age 7 (or up to age 8 at State option) (section 4101(c) of OBRA '87).

- Allow States the option of covering as an optional categorically needy group certain children under age 21 (or at State option, age 30, 19, or 18) with special medical or rehabilitative needs who are adopted under a publicly funded adoption program (other than a program funded under title IV-E) if certain conditions are met (section 9529(b) of COBRA).

- Allow eligible widows and widowers between ages 50 and 59 who were receiving social security disability benefits and who lost SSI eligibility (and consequently Medicaid) because of the January 1984 disability benefit increase under Pub. L. 98-21 to file an application for Medicaid protection with the State Medicaid agency and to be deemed to be receiving SSI benefits for the purpose of Medicaid eligibility (section 12202 of COBRA). OBRA '87 added another provision to allow widows and widowers between ages 60 and 64 who lose SSI eligibility (and consequently Medicaid) because they become entitled to and receive social security disability benefits to be deemed SSI beneficiaries for purposes of Medicaid eligibility (section 9116).

- Add (and further amend) a new section that identifies provisions of the Social Security Act other than title XIX and other laws that make additional individuals eligible for Medicaid and that establish additional requirement for State plans to be approved under Medicaid (section 9526 of COBRA, as redesignated by section 9407(b) of the Omnibus Budget Reconciliation Act of 1986 (OBRA '87), and sections 4118(p)(9), 4211(a)(1), and 9116(d) of OBRA '87). Section 1985(c)(5) of Public Law 99-514, section 6(c) of Public Law 99-643, and section 5(b) of Public Law 100-93 also made changes to this section. Later section 411(k)(6) of the Medicare Catastrophic Coverage Act of 1988 (MCCA) (Pub. L. 100-360) amended section 4112 of OBRA '87 to redesignate this section, and this section was again redesignated by section 303(a)(1) of



MCCA. Then this section was amended by section 608(d)(28) and section 202(c)(5) of the Family Support Act of 1988 (FSA) (Pub. L. 100-485). Most recently, this section was redesignated as section 1927 of the Act by section 6402(b) of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89) (Pub. L. 101-239).

- Add a third condition of eligibility for Medicaid applicants and recipients relating to the collection of medical support and other payments from liable third parties (section 9503 of COBRA).

Section 134 of TEFRA amended section 1902(e) of the Act to give States the option of treating certain children under age 19 who are living at home and who qualify as disabled under section 1614(a) of the Act as SSI recipients or State supplement payment recipients for purposes of Medicaid eligibility. This provision has been in effect since October 1, 1982. Section 1902(e) of the Act was further amended by section 4118(c) of OBRA '87 to replace the condition of the disabled child being eligible for SSI or a State supplement with the condition of the child being eligible for Medicaid.

We proposed to amend the Medicaid regulations under 42 CFR parts 431, 433, 435, 436, 440, and 447 to incorporate the provisions of COBRA, OBRA '87, and TEFRA that are summarized above. The preamble to the Notice of Proposed Rulemaking published on February 23, 1989 provided a detailed discussion of the statutory provisions and the specific amendments to the regulations.

### III. Discussion of Comments

In response to the proposed rule, we received eighteen comments from State and private welfare agencies and professional organizations representing patient and provider interests. Following are specific comments received and our responses.

#### A. Pregnant Women

**Comment**—One commenter requested clarification of the extent of retroactive coverage available to women for whom an application or final determination of eligibility has not been made prior to delivery and whether they qualify for extended eligibility during the 60-day postpartum period.

**Response**—Pregnant women are entitled to the same retroactivity that applies to all other coverage groups. The rules pertaining to retroactive coverage are found in § 435.914, Effective date, and provide for retroactive coverage for up to three months prior to the month of application if certain conditions are met. The rules apply regardless of whether a woman applies before or after delivery.

Consequently, a woman who applies for Medicaid shortly after the delivery could be found eligible retroactively into the prenatal period.

However, to qualify for extended eligibility for the 60-90 day postpartum period addressed in these regulations, a woman must have applied for, been eligible for, and received Medicaid services while pregnant. Thus, if she did not apply for Medicaid until after giving birth, she would not qualify under section 1902(e)(5) for the postpartum coverage. The fact that a State has not made a final determination of eligibility prior to delivery is immaterial as long as the woman applied for and was eligible for Medicaid while pregnant, and received services during her pregnancy for which Medicaid ultimately paid. If she meets these three criteria, she will qualify for the postpartum coverage under section 1902(e)(5), even if Medicaid does not pay for these services until after she has given birth. For the sake of clarity, we note that an application for presumptive eligibility does not meet the criterion of having applied for Medicaid for purposes of the 60-day postpartum period coverage. The woman must file a regular Medicaid application while pregnant to meet this criterion.

**Comment**—One commenter noted that the definition for pregnancy-related services contained in the regulation text of the proposed rule was limited and inconsistent with the definition contained in the preamble. Also, concern was expressed that the definition in the regulation text of the proposed rule appears to only be framed in terms of the threat to the pregnant woman's condition of the carrying of the fetus to full term or safe delivery, at the exclusion of those services necessary to assure the health of the pregnant woman. Also, the commenter suggested that family planning services be included as a pregnancy-related service.

**Response**—We accepted these comments. In the interest of uniformity and clarity, the definition for pregnancy-related services that appeared in the preamble of the proposed rule has been modified to include family planning services and has been included in the regulation text of the final rule. This definition clarifies that pregnancy-related services include those services necessary to assure the health of both the pregnant woman and the fetus.

**Comment**—One commenter expressed the opinion that every service which is provided to a pregnant woman is related to the pregnancy and as such is a "pregnancy-related service."

**Response**—Pregnancy-related services are intended to include not only

services that are needed as a direct result of pregnancy, but problems that if not monitored and/or treated could produce a poor pregnancy outcome. Determinations as to whether services provided during the pregnancy are appropriate; whether postpartum conditions or complications are pregnancy-related; and whether services provided for the treatment of postpartum conditions or complications are appropriate should be based on what is generally accepted by the medical profession. While we believe the coverage provided to pregnant women is intended to be broad and incorporate what is generally accepted by the medical profession, we cannot endorse a policy which suggests that every medical service provided to a pregnant woman is necessarily a "pregnancy-related" service.

#### B. Adoption Assistance

**Comment**—Two commenters had questions regarding adoption assistance agreements established under title IV-E of the Act (Federal Payments for Foster Care and Adoption Assistance), and the Medicaid benefits available to children adopted under such an agreement (title IV-E children). The commenters questioned whether Medicaid eligibility terminates at the age recognized in the State that established the adoption assistance agreement or the State in which the child resides. Also, they were concerned that § 435.403, State residence, indicated that title IV-E children could receive only the Medicaid benefits covered in the State of residence. They questioned the impact of § 435.403(k) which indicates that under an interstate agreement a child can receive the Medicaid benefits of the State of the adoption assistance agreement. They asked whether FFP would still be available to the adoption assistance State for reimbursement made to the State of residence under such an agreement.

**Response**—Under section 9529 of COBRA, title IV-E children are eligible for Medicaid in the State in which they reside. They are eligible only for the benefits available under the State plan of the State in which they reside, and are subject to any age limit applied in the State plan of the State in which they reside.

In the case of a child who is under an adoption assistance agreement in one State and moves to another State, the adoption assistance agreement State remains responsible for providing certain medical services which it specifically agreed to provide in the child's adoption assistance agreement



and which are not available under the State plan in the State of residence. Normally there will be no FFP available for these extra services since they would be outside the scope of coverage provided under the State plan of the State of residence (the State in which the child is currently Medicaid eligible).

There are instances, however, where the adoption assistance State may obtain FFP for the additional services if the services are provided under its State plan, and that State enters into an agreement with the child's State of residence, as described in § 435.403(k). Under this section, States may use interstate agreements "to facilitate the placement and adoption of title IV-E individuals when the child and his or her parent(s) move into another State." Under such an agreement, the State of residence could agree to provide the child's Medicaid services, including the additional services, without claiming FFP. The adoption assistance State could then agree to reimburse the State of residence and claim FFP for all of the services.

We must note, however, that if the services the adoption assistance State agrees to provide are not covered under the State plan in either State, the adoption assistance State would remain contractually obligated to provide them. In this case, neither State could claim FFP.

#### C. Disabled Widows and Widowers

Comment—One commenter said that our explanations in the preamble and body of the regulation regarding the treatment of income conflict with instructional material sent to States. The commenter also said that our treatment of income is not in keeping with the *Darling v. Bowen* court decisions because that decision required section 1902(f) States to consider the individual to have no greater income than the amount which would qualify him or her for SSI benefits. The commenter said that our regulations and instructional material do not provide that income from a source other than monthly Social Security benefits (title II income) be totally disregarded, as the decision seems to require.

Response—After the publication of the proposed rule, the United States Court of Appeals for the Eighth Circuit issued two decisions arising from the *Darling v. Bowen* litigation. In the first, *Darling I*, the appeals court upheld the District Court's order that required section 1902(f) States to treat disabled widows and widowers who are protected by section 1634(b) of the Act and who would have been eligible for SSI except for certain adjustments in

their title II benefits, as if they had no more income than the SSI Federal benefit rate. In the second decision, *Darling II*, the appeals court reversed the District Court decision. The lower court had held that all disabled widows and widowers in section 1902(f) States who are protected by section 1634(b) of the Act must be deemed to have no more than the SSI Federal benefit rate, even if they only qualified under section 1634(b) of the Act because the adjustments in their widow's or widower's benefits caused them to be ineligible for a State supplementary payment (SSP). The appeals court held that these individuals are only deemed to have income at the SSP eligibility level.

In light of these decisions, we have changed the regulation from that published in the proposed rule to conform with the court's orders, as modified by *Darling II*. With the exception of the change made to conform with the recent decision in *Darling II*, the revised regulation is consistent with the instructional material that was sent to the States because of the court's order. We will be sending the States revised instructions to reflect the result in *Darling II*.

We disagree, however, with the commenter's claim that the proposed 42 CFR 435.137(b)(5) is inconsistent with the court's order because it only disregards the amount of the title II increase in widow's or widower's benefits made by Public Law 98-21 and subsequent cost-of-living adjustments. The commenter's claim that not only title II benefits are to be disregarded is not a correct reading of *Darling I* or of section 1634(b) of the Act. The commenter apparently confuses the threshold test for qualifying under section 1634(b) with the treatment section 1902(f) States must accord to individuals who qualify under section 1634(b) (as interpreted by the court). This portion of the regulations addresses only the threshold test.

In determining whether an individual qualifies under section 1634(b), the State must determine whether, if the increase in widow's or widower's benefits and subsequent cost-of-living adjustments were disregarded, the individual would be eligible for SSI or SSP. If the individual meets this test (and the other criteria for section 1634(b) status), the individual is to be deemed to have no more income than an SSI recipient if, except for the increase and subsequent adjustments, he or she would have received SSI. If the individual meets this test (and the other criteria for section 1634(b) status), the individual would be deemed to have no more income than an

SSI recipient if, except for the increase and subsequent adjustments, he or she would have received SSP but would not have also received SSI.

Comment—One commenter said that the regulations are inconsistent with the legislation in that they permit section 1902(f) States to not provide benefits under section 12202 of COBRA, which is contrary to the requirements of the statute as interpreted by two courts. The commenter also said that the regulations ignore the finding of the court. The commenter asked that benefits be provided to the individuals who were the subjects of the *Darling* court case, and that the regulations be changed to reflect the court decision. Finally, the commenter said that by publishing a regulation that was inconsistent with the law, we are abridging the opportunity for proper notice and comment.

Response—As stated in the response to the preceding comment, we have changed the final regulation to conform with both the court's order (as modified by *Darling II*) and the statute as interpreted by the courts. With regard to abridgment of proper notice and comment, we do not believe that we have done so. The Administrative Procedure Act does not preclude us from proposing a rule which, at the time of its publication, we could not enact because of a court order. Since the court order was on appeal, the proposed rule represented the views the agency wished to adopt as final regulations if we had secured relief from the court order.

The preamble to the proposed rule identified the issue of the treatment of individuals covered under section 1634(b) of the Act in section 1902(f) States and explained how we proposed to respond to that issue. This discussion was sufficiently clear to give the public a meaningful opportunity for public comment on that proposal. The preamble also advised the public that if we did not achieve reversal of the District Court's decision, we would publish a final rule that conforms to the court's decisions. Our final rule is a result of these court decisions, of which the public was notified through the proposed rule.

#### D. Conditions of Eligibility

Comment—One commenter questioned the degree of cooperation required of an unmarried pregnant woman in establishing paternity and securing support. The commenter also noted that the proposed rules do not address whether a custodial parent is required to assign his or her child



support payment for collection through the agency authorized to collect such payment under title IV-D of the Act (Child Support and Establishment of Paternity).

**Response**—Section 1912 of the Act requires a pregnant woman, as a condition of eligibility, to cooperate with the State in establishing paternity and securing support on her own behalf and on behalf of any of her children born out of wedlock who are eligible for Medicaid. In the case of the unborn, since an unborn is not considered Medicaid eligible in its own right, a pregnant woman is not required to assign the rights or cooperate in establishing the paternity of the unborn. She is also not required to assign the rights or cooperate in establishing the paternity of the newborn during the 60-90 day postpartum period of extended eligibility. Both the newborn and the mother's eligibility during this period are based on the mother's eligibility as a pregnant woman prior to delivery. As noted above, prior to delivery the woman was not required to assign the rights nor cooperate in establishing the paternity of the unborn.

While we note the commenter's concern that these rules do not specifically address assignment by a pregnant woman of a support payment, rules found elsewhere apply to all Medicaid recipients equally. Therefore, no special rules pertaining to support enforcement for pregnant women are necessary. However, we note that title XIX of the Act and the related regulations address only enforcement of medical support rights and do not address enforcement of other support rights.

#### IV. Final Rule

After consideration of the public comments, and for the reasons stated in our responses to those comments, we have decided to finalize the regulations as proposed, with the following exceptions:

- We are not making the proposed revisions to § 431.52, Payments for services furnished out of State, concerning State plan requirements for individuals receiving assistance under title IV-E. These revisions were made in another document that incorporated several conforming revisions to OBRA '87 (date and FR cite for BPD-484-FC).

- In §§ 435.116(c)(1) and 436.120(c)(1), we are deleting the provision that gives States the option of designating a Medicaid eligibility date earlier than September 30, 1983, for qualified children. Since §§ 435.116(c)(2) and 436.120(c)(2) specify that a State may designate an age for Medicaid eligibility

up to age 8, the option in §§ 435.116(c)(1) and 436.120(c)(1) is no longer applicable.

- We are revising § 435.137(c) to conform its provisions more closely to the Court of Appeals' decisions arising from the *Darling v. Bowen* litigation.

- We are revising § 435.137(e) to specify that individuals in States that use more restrictive eligibility criteria under section 1902(f) of the Act have up to six months after the State sends notice pursuant to the District Court's order in *Darling v. Bowen* to file a written application to obtain protected Medicaid coverage under section 1634(b) of the Act. This revision is being made pursuant to the court's order.

- For editorial clarity and to maintain consistency in the organization of the regulations, we have added a new undesignated center heading after § 435.138 entitled Mandatory Coverage of Special Groups, and have redesignated proposed § 435.118, Pregnant women eligible for extended coverage, as § 435.170.

- We are modifying the definition of pregnancy-related services that appeared in the preamble of the proposed rule to include family planning services and are including the definition in § 440.210(c) of the regulation text of the final rule. We are moving the definition of pregnancy-related services and services for other conditions that might complicate the pregnancy from § 440.250(p)(2), where it appeared in the proposed rule, to § 440.210(c) for consistency in the organization of the regulations. We are also making conforming revisions in §§ 435.170(a), 435.301(b)(iv), 436.122(a), 436.301(b)(iv), and 440.220(e) to reflect these changes.

- We are not making final proposed § 436.225. Our proposal was based on section 1902(e)(3) of the Act and, to the extent that it applies, simply deems the covered individuals to be SSI recipients. This designation is not applicable in Guam, Puerto Rico, and the Virgin Islands, which do not have SSI programs.

#### V. Paperwork Reduction Act of 1980

These regulations do not impose information collection requirements. Consequently, they do not need to be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### VI. Impact Analyses

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulation that is likely to meet criteria for a "major rule". A major rule is one that would result in (1) an annual effect on the economy of \$100

million or more; (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, we prepare and publish a regulatory flexibility analysis, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) for any regulation that will have a significant impact on a substantial number of small entities. A small entity is a small business, a nonprofit enterprise, or a government jurisdiction (such as a county or township) with a population of less than 50,000.

These regulatory amendments conform the regulations to legislative provisions. The promulgation of these regulations will not result in any increase in expenditures beyond those that have already occurred since these provisions have been implemented.

These regulations, in themselves, do not meet any of the criteria for a major rule. In addition, they primarily affect States and individuals, which are not considered small entities for purposes of the RFA. Therefore, we have determined, and the Secretary certifies, that a regulatory impact analysis and a regulatory flexibility analysis are not required.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 605 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside a Metropolitan Statistical Area. We have determined, and the Secretary certifies, that this regulation does not have a significant impact on the operations of a substantial number of small rural hospitals.

#### VII. List of Subjects

42 CFR Part 433

Administrative practice and procedure, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 435

Aid to Families with Dependent Children, Grant programs—health,



Medicaid, Supplemental Security Income (SSI).

**42 CFR Part 436**

Aid to Families with Dependent Children, Grant programs—health, Guam, Medicaid, Puerto Rico, Supplemental Security Income (SSI), Virgin Islands.

**42 CFR Part 400**

Grant programs—health, Medicaid.

**42 CFR Part 447**

Accounting, Administrative practice and procedure, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

42 CFR chapter IV is amended as set forth below:

**PART 433—STATE FISCAL ADMINISTRATION**

A. Part 433 is amended as follows:

1. The authority citation for part 433 continues to read as follows:

Authority: Secs. 1102, 1902(a)(4), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(e), 1903(p), 1903(r), and 1912 of the Social Security Act; 42 U.S.C. 1302, 1396a(a)(4), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r), and 1396k, unless otherwise noted.

2. The table of contents for part 433 is amended by revising the section title of § 433.147 to read as follows:

\* \* \* \* \*

Sec.

\* \* \* \* \*

433.147 Cooperation in establishing paternity, obtaining support, and identifying and providing information to assist in pursuing liable third parties.

\* \* \* \* \*

3. Section 433.137 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

**§ 433.137 State plan requirements.**

\* \* \* \* \*

(b) A State plan must provide that—

(1) The requirements of §§ 433.145 through 433.148 are met for assignment of rights to benefits, cooperation with the agency in obtaining medical support of payments, and cooperation in identifying and providing information to assist the State in pursuing any liable third parties; and

(2) The requirements of §§ 433.151 through 433.154 are met for cooperative agreements and incentive payments for third party collections.

(c) The requirements of paragraph (b)(1) of this section relating to assignment of rights to benefits and

cooperation in obtaining medical support or payments and paragraph (b)(2) of this section are effective for medical assistance furnished on or after October 1, 1984. The requirements of paragraph (b)(1) of this section relating to cooperation in identifying and providing information to assist the State in pursuing liable third parties are effective for medical assistance furnished on or after July 1, 1986.

4. Section 433.145 is revised to read as follows:

**§ 433.145 Assignment of rights to benefits—State plan requirements.**

(a) A State plan must provide that, as a condition of eligibility, each legally able applicant and recipient must assign his or her rights, or the rights of any other individual eligible under the plan for whom he or she can legally make an assignment, to medical support or other third party payments for medical care to the Medicaid agency, cooperate with the agency in obtaining medical support or payments, and cooperate in identifying and providing information to assist the State in pursuing third parties who may be liable to pay for care and services under the plan.

(b) A State plan must provide that the requirements for assignments, cooperation in establishing paternity and obtaining support, and cooperation in identifying and providing information to assist the State in pursuing any liable third party under §§ 433.146 through 433.148 are met.

(c) A State plan must provide that the assignment of rights to benefits obtained from an applicant or recipient is effective only for services that are reimbursed by Medicaid.

5. Section 433.147 is amended by revising the section title and paragraphs (a), (b)(5), (c), and (d) to read as follows ((b) introducing text is republished):

**§ 433.147 Cooperation in establishing paternity, obtaining support, and identifying and providing information to assist in pursuing liable third parties.**

(a) *Scope of requirement.* The agency must require the individual who assigns his rights to cooperate in—

(1) Establishing paternity of a child born out of wedlock for whom the individual can legally assign rights;

(2) Obtaining medical care support and payments for himself or herself and any other person for whom the individual can legally assign rights; and

(3) Identifying and providing information to assist the State in pursuing any liable third party.

(b) *Essentials of cooperation.* As part of a cooperation, the agency may require an individual to—

\* \* \* \* \*

(5) Take any other reasonable steps to assist in establishing paternity and securing medical support and payments, and in identifying and providing information to assist the State in pursuing any liable third party.

(c) *Waiver of cooperation for good cause.* The agency must waive the requirements in paragraphs (a) and (b) of this section if it determines that the individual has good cause for refusing to cooperate.

(1) With respect to establishing paternity of a child born out of wedlock or obtaining medical care support and payments, or identifying or providing information to assist the State in pursuing any liable third party for a child for whom the individual can legally assign rights, the agency must find the cooperation is against the best interests of the child, in accordance with factors specified for the Child Support Enforcement Program at 45 CFR part 232. If the State title IV-A agency has made a finding that good cause for refusal to cooperate does or does not exist, the Medicaid agency must adopt that finding as its own for this purpose.

(2) With respect to obtaining medical care support and payments for an individual and identifying and providing information to assist in pursuing liable third parties in any case not covered by paragraph (c)(1) of this section, the agency must find that cooperation is against the best interests of the individual or the person to whom Medicaid is being furnished because it is anticipated that cooperation will result in reprisal against, and cause physical or emotional harm to, the individual or other person.

(d) *Procedures for waiving cooperation.* With respect to establishing paternity, obtaining medical care support and payments, or identifying and providing information to assist the State in pursuing liable third parties for a child for whom the individual can legally assign rights, the agency must use the procedures specified for the Child Support Enforcement Program at 45 CFR part 232. With respect to obtaining medical care support and payments or to identifying and providing information to assist the State in pursuing liable third parties for any other individual, the agency must adopt procedures similar to those specified in 45 CFR part 232, excluding those procedures applicable only to children.



**PART 435—ELIGIBILITY IN THE STATES, THE DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA**

B. Part 435 is amended as follows:

1. The authority citation for part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. The table of contents is amended by revising the undesignated heading appearing before § 435.116, redesignating § 435.118, as § 435.119 and adding new §§ 435.137 and 435.138, a new undesignated center heading and § 435.170, and §§ 435.225 and 435.227 to read as follows:

Sec.

\* \* \* \* \*

**Mandatory Coverage of Pregnant Women, Children under 8, and Newborn Children**

\* \* \* \* \*

**Mandatory Coverage of Adoption Assistance and Foster Care Children**

435.119 Children for whom adoption assistance or foster care maintenance payments are made.

\* \* \* \* \*

**Mandatory Coverage of the Aged, Blind, and Disabled**

\* \* \* \* \*

435.137 Disabled widows and widowers who would be eligible for SSI except for the increase in disability benefits resulting from elimination of the reduction under Pub. L. 98-31.

435.138 Disabled widows and widowers aged 60 through 64 who would be eligible for SSI benefits except for receipt of early social security benefits.

\* \* \* \* \*

**Mandatory Coverage of Special Groups**

435.170 Pregnant Women eligible for extended coverage.

\* \* \* \* \*

**Options for Coverage of Families and Children**

\* \* \* \* \*

435.225 Individuals under age 19 who would be eligible for Medicaid if they were in a medical institution.

435.227 Individuals under age 19 who are under State adoption assistance agreements.

\* \* \* \* \*

3. In § 435.3, paragraph (a) is republished and several entries are added in numerical order to read as follows:

**§ 435.3 Basis.**

(a) This part implements the following sections of the Act and public laws

which state eligibility requirements and standards:

\* \* \* \* \*

473(b) Eligibility of children in foster care and adopted children who are deemed AFDC recipients.

\* \* \* \* \*

1634(b) Preservation of benefit status for disabled widows and widowers who lost SSI benefits because of 1983 changes in actuarial reduction formula.

1634(d) Individuals who lose eligibility for SSI benefits due to entitlement to early widow's or widower's social security disability benefits under section 202(e) or (f) of the Act.

\* \* \* \* \*

1902(e)(3) Optional coverage of certain disabled children being cared for at home.

\* \* \* \* \*

1902(e)(5) Eligibility of pregnant woman for extended coverage for specified postpartum period after pregnancy ends.

\* \* \* \* \*

1912(a) Conditions of eligibility.

\* \* \* \* \*

4. Section 435.115 is amended by adding a new paragraph (e) to read as follows:

**§ 435.115 Individuals deemed to be receiving AFDC.**

\* \* \* \* \*

(e) The State must deem to be receiving AFDC individuals described in section 473(a)(1) of the Act—

(1) For whom an adoption assistance agreement is in effect under title IV-E of the Act, whether or not adoption assistance is being provided or an interlocutory or other judicial decree of adoption has been issued; or

(2) For whom foster care maintenance payments are made under title IV-E of the Act.

5. The undesignated heading preceding § 435.116 is revised to read as follows:

**Mandatory Coverage of Pregnant Women, Children under 8, and Newborn Children**

6. Section 435.116 is amended by revising paragraph (c) to read as follows:

**§ 435.116 Qualified pregnant women and children.**

\* \* \* \* \*

(c) The agency must provide Medicaid to children who meet all of the following criteria:

(1) They are born after September 30, 1983;

(2) Effective October 1, 1988, they are under age 6 (or if designated by the State, any age that exceeds age 6 but does not exceed age 8), and effective October 1, 1989, they are under age 7 (or

if designated by the State, any age that exceeds age 7 but does not exceed age 8); and

(3) They meet the income and resource requirements of the State's approved AFDC plan.

**§ 435.119 [Redesignated from 435.118]**

7. Section 435.118 is redesignated as § 435.119.

8. A new § 435.137 is added to read as follows:

**§ 435.137 Disabled widows and widowers who would be eligible for SSI except for the increase in disability benefits resulting from elimination of the reduction factor under Pub. L. 98-21.**

(a) If the agency provides Medicaid to aged, blind, or disabled individuals receiving SSI or State supplements, the agency must provide Medicaid to disabled widows and widowers who—

(1) Became ineligible for SSI or a mandatory or optional State supplement as a result of the elimination of the additional reduction factor for disabled widows and widowers under age 60 required by section 134 of Pub. L. 98-21, and for purposes of title XIX, are deemed to be title XVI payment recipients under section 1634(b) of the Social Security Act; and

(2) Meet the conditions of paragraphs (b) and (e) of this section.

(b) The individuals must meet the following conditions:

(1) They were entitled to monthly OASDI benefits under title II of the Act for December 1983;

(2) They were entitled to and received widow's or widower's disability benefits under section 202(e) or (f) of the Act for January 1984;

(3) They became ineligible for SSI or a mandatory or optional State supplement in the first month in which the increase under Pub. L. 98-21 was paid (and in which a retroactive payment for that increase for prior months was not made);

(4) They have been continuously entitled to widow's or widower's disability benefits under section 202(e) or (f) from the first month that the increase under Pub. L. 98-21 was received; and

(5) They would be eligible for SSI benefits or a mandatory or optional State supplement if the amount of the increase under Pub. L. 98-21 and subsequent cost-of-living adjustments in widow's or widower's benefits under section 215(i) of the Act were deducted from their income.

(c) If the agency adopts more restrictive requirements than those under SSI, it must provide Medicaid to individuals specified in paragraph (a) of



this section on the same basis as Medicaid is provided to individuals continuing to receive SSI or a mandatory or optional State supplement. The State must consider the individuals specified in paragraph (a) of this section to have no more income than the SSI Federal benefit rate if the individual was eligible for SSI in the month prior to the first month in which the increase under Public Law 98-21 was paid (and in which retroactive payments for that increase for prior months was not being made), and the individual would be eligible for SSI except for the amount of the increase under Public Law 98-21 and subsequent cost-of-living adjustments in his or her widow's or widower's benefits under section 215(i) of the Act. The State must consider individuals who qualify under paragraph (a) of this section on the basis of loss of a mandatory or optional State supplementary payment, rather than the loss of SSI, to have no more income than the relevant SSP rate. If the State's income eligibility level is lower than the SSP or SSI Federal benefit rates, individuals qualifying under paragraph (a) of this section who are deemed to have income at either the SSP rate or the SSI Federal benefit rate may further reduce their countable income by incurring medical expenses in the amount by which their income exceeds the State's income eligibility standard. When the individual has reduced his or her income by this amount, he or she will be eligible for Medicaid as categorically needy.

(d) The agency must notify each individual who may be eligible for Medicaid under this section of his or her potential eligibility, in accordance with instructions issued by the Secretary.

(e)(1) Except as provided in paragraph (e)(2) of this section, the provisions of this section apply only to those individuals who filed a written application for Medicaid on or before June 30, 1988, to obtain protected Medicaid coverage.

(2) Individuals who may be eligible under this section residing in States that use a more restrictive income standard than that of the SSI program, under section 1902(f) of the Act, have up to six months after the State sends notice pursuant to the District Court's order in *Darling v. Bowen* (685 F. Supp. 1125 (W.D.Mo. 1988)) to file a written application to obtain protected Medicaid coverage.

9. A new § 435.138 is added to read as follows:

**§ 435.138 Disabled widows and widowers aged 60 through 64 who would be eligible for SSI except for early receipt of social security benefits.**

(a) If the agency provides Medicaid to aged, blind, or disabled individuals receiving SSI or State supplements, the agency must provide Medicaid to disabled widows and widowers who—

(1) Are at least age 60;

(2) Are not entitled to hospital insurance benefits under Medicare Part A; and

(3) Become ineligible for SSI or a State supplement because of mandatory application (under section 1611(e)(2)) for and receipt of widow's or widower's social security disability benefits under section 202(e) or (f) (or any other provision of section 202 if they are also eligible for benefits under subsections (e) or (f)) of the Act.

For purposes of title XIX, individuals who meet these requirements are deemed to be title XVI payment recipients under section 1634(d) of the Act.

(b) If the agency adopts more restrictive eligibility requirements than those under SSI, it must provide Medicaid to individuals specified in paragraph (a) of this section on the same basis as Medicaid is provided to individuals continuing to receive SSI or a mandatory or optional State supplement. If the individual incurs enough medical expenses to reduce his or her income to the financial eligibility standard for the categorically needy under the State's more restrictive eligibility criteria, the agency must cover the individual as categorically needy. In determining the amount of his or her income, the agency may deduct all, part, or none of the amount of the social security disability benefits that made him or her ineligible for SSI or a State supplement, up to the amount that made him or her ineligible for SSI.

(c) Individuals who may be eligible under this section must file a written application for Medicaid. Medicaid coverage may begin no earlier than July 1, 1988.

(d) The agency must determine whether individuals may be eligible for Medicaid under this section.

10. A new undesignated heading and a new § 435.170 are added after § 435.138 to read as follows:

**Mandatory Coverage of Special Groups**

**§ 435.170 Pregnant women eligible for extended coverage.**

(a) The agency must provide categorically needy Medicaid eligibility for an extended period following termination of pregnancy to women

who, while pregnant, applied for, were eligible for, and received Medicaid services on the day that their pregnancy ends. This period extends from the last day of pregnancy through the end of the month in which a 60-day period, beginning on the last day of the pregnancy, ends. Eligibility must be provided regardless of changes in the woman's financial circumstances that may occur within this extended period. These women are eligible for the extended period for all services under the plan that are pregnancy-related (as defined in § 440.210(c)(1) of this subchapter).

(b) The provisions of paragraph (a) of this section apply to Medicaid furnished on or after April 7, 1986.

11. A new § 435.225 is added to subpart C to read as follows:

**§ 435.225 Individuals under age 19 who would be eligible for Medicaid if they were in a medical institution.**

(a) The agency may provide Medicaid to children 18 years of age or younger who qualify under section 1614(a) of the Act, who would be eligible for Medicaid if they were in a medical institution, and who are receiving, while living at home, medical care that would be provided in a medical institution.

(b) If the agency elects the option provided by paragraph (a) of this section, it must determine, in each case, that the following conditions are met:

(1) The child requires the level of care provided in a hospital, SNF, or ICF.

(2) It is appropriate to provide that level of care outside such an institution.

(3) The estimated Medicaid cost of care outside an institution is no higher than the estimated Medicaid cost of appropriate institutional care.

(c) The agency must specify in its State plan the method by which it determines the cost-effectiveness of caring for disabled children at home.

12. A new § 435.227 is added to Subpart C to read as follows:

**§ 435.227 Individuals under age 21 who are under State adoption assistance agreements.**

(a) The agency may provide Medicaid to individuals under the age of 21 (or, at State option, age 20, 19, or 18)—

(1) For whom an adoption agreement (other than an agreement under title IV-E) between the State and the adoptive parent(s) is in effect;

(2) Who, the State agency responsible for adoption assistance, has determined cannot be placed with adoptive parents without Medicaid because the child has special needs for medical or rehabilitative care; and



(3) Who meet either of the following:  
(i) Were eligible for Medicaid under the State plan before the adoption agreement was entered into; or

(ii) Would have been eligible for Medicaid before the adoption agreement was entered into, if the eligibility standards and methodologies of the title IV-E foster care program were used without employing the threshold title IV-A eligibility determination.

(b) For adoption assistance agreements entered into before April 7, 1986—

(1) The agency must deem the requirements of paragraphs (a)(1) and (2) of this section to be met if the State adoption assistance agency determines that—

(i) At the time of the adoption placement, the child had special needs for medical or rehabilitative care that made the child difficult to place; and

(ii) There is in effect an adoption assistance agreement between the State and the adoptive parent(s).

(2) The agency must deem the requirements of paragraph (a)(3) of this section to be met if the child was found by the State to be eligible for Medicaid before the adoption assistance agreement was entered into.

13. In § 435.301, the introductory texts of paragraphs (b) and (b)(1) are republished and a new paragraph (b)(1)(iv) is added to read as follows:

**§ 435.301 General rules.**

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to the following individuals who meet the requirements of paragraph (a) of this section:

(iv) Women who, while pregnant, applied for, were eligible for, and received Medicaid services as medically needy on the day that their pregnancy ends. The agency must provide medically needy eligibility to these women for an extended period following termination of pregnancy. This period extends from the last day of the pregnancy through the end of the month in which a 60-day period, beginning on the last day of pregnancy, ends. Eligibility must be provided, regardless of changes in the woman's financial circumstances that may occur within this extended period. These women are eligible for the extended period for all services under the plan that are pregnancy-related (as defined in § 440.210(c)(1) of this subchapter).

14. Section 435.403 is amended by revising paragraph (g) to read as follows:

**§ 435.403 State residence.**

(g) *Individuals receiving Title IV-E payments.* For individuals of any age who are receiving Federal payments for foster care and adoption assistance under title IV-E of the Social Security Act, the State of residence is the State where the child lives.

15. Section 435.604 is revised to read as follows:

**§ 435.604 Assignment of rights to benefits.**

(a) As a condition of eligibility, the agency must require legally able applicants and recipients to assign rights to medical support or other third party payments to the Medicaid agency, to cooperate with the agency in obtaining medical support or payments, and to cooperate with the agency in identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services under the plan. (Part 433, subpart D, contains specific requirements for these assignments.)

(b) The requirements for assignment of rights must be applied uniformly for all groups covered under the plan.

(c) The requirements of paragraph (a) of this section for the assignment of rights to medical support and other payments and cooperation in obtaining medical support and payments are effective for medical assistance furnished on or after October 1, 1984. The requirement for cooperation in identifying and providing information for pursuing liable third parties is effective for medical assistance furnished on or after July 1, 1988.

16. In subpart H, § 435.724 is amended by revising paragraph (a) and adding a new paragraph (d) to read as follows:

**§ 435.724 Financial responsibility of parents for blind or disabled children.**

(a) If the agency provides Medicaid to SSI recipients, it must meet the requirements of this section in determining eligibility of blind and disabled children under the optional coverage of §§ 435.210, 435.211, 435.225, and 435.231.

(d) Under the option provided by § 435.225, the income and resources of the parent or the parent's spouse are not considered available to the disabled child receiving care at home.

17. Section 435.1011 is amended by revising the section title and paragraph (b) to read as follows:

**§ 435.1011 Requirement for maintenance of optional State supplement expenditures.**

(b) FFP in Medicaid expenditures is not available during any period in which the State does not have in effect an agreement with the Secretary under section 1618 of the Act to maintain its supplementary payments.

**PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS**

C. Part 436 is amended as follows:

1. The authority citation for part 436 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. The table of contents is amended by adding a new § 436.122 under subpart B and adding new § 436.224 under subpart C to read as follows:

**Subpart B—Mandatory Coverage of the Categorically Needy**

Sec.

436.122 Pregnant women eligible for extended coverage.

**Subpart C—Options for Coverage as Categorically Needy**

**Options for Coverage of Families and Children**

436.224 Individuals under age 21 who are under State adoption assistance agreements.

3. In § 436.2, paragraph (a) introductory text is republished and new entries are added in numerical order to read as follows:

**§ 436.2 Basis.**

(a) This part implements the following sections of the Act and public laws which state requirements and standards for eligibility:

473(b) Eligibility of children in foster care and adopted children who are deemed AFDC recipients.

1902(e)(3) Optional coverage of certain disabled children at home.



1902(e)(5) Eligibility of pregnant women for extended coverage for a specified period after pregnancy ends.

1912(a) Conditions of eligibility.

4. Section 436.114 is amended by adding a new paragraph (e) to read as follows:

**§ 436.114 Individuals deemed to be receiving AFDC.**

(e) The State must deem to be receiving AFDC individuals described in section 473(a)(1) of the Act—

(1) For whom an adoption assistance agreement is in effect under title IV-E of the Act, whether or not adoption assistance is being provided or an interlocutory or other judicial decree of adoption has been issued; or

(2) For whom foster care maintenance payments are made under title IV-E of the Act.

5. Section 436.120 is amended by revising paragraph (c) to read as follows:

**§ 436.120 Qualified pregnant women and children.**

(c) The agency must provide Medicaid to children who meet all of the following criteria:

(1) They are born after September 30, 1983;

(2) Effective October 1, 1988, they are under age 6 (or if designated by the State, any age that exceeds age 6 but does not exceed age 8), and effective October 1, 1989 they are under age 7 (or if designated by the State, any age that exceeds age 7 but does not exceed age 8); and

(3) They meet the income and resource requirements of the State's approved AFDC plan.

6. A new § 436.122 is added to subpart B to read as follows:

**§ 436.122 Pregnant women eligible for extended coverage.**

(a) The Medicaid agency must provide categorically needy Medicaid eligibility for an extended period following termination of pregnancy to women who, while pregnant, applied for, were eligible for, and received Medicaid services on the day that their pregnancy ends. This period extends from the last day of pregnancy through the end of the month in which a 60-day period, beginning on the last day of the pregnancy, ends. Eligibility must be provided, regardless of changes in the woman's financial circumstances that may occur within this extended period. These pregnant women are eligible for

the extended period for all services under the plan that are pregnancy-related (as defined in § 440.210(c)(1) of this subchapter).

(b) The provisions of paragraph (a) of this section apply to Medicaid furnished on or after April 7, 1986.

7. New § 436.224 is added to subpart C to read as follows:

**§ 436.224 Individuals under age 21 who are under State adoption assistance agreements.**

(a) The agency may provide Medicaid to individuals under the age of 21 (or, at State option, age 20, 19, or 18)—

(1) For whom an adoption agreement (other than an agreement under title IV-E) between the State and adoptive parent(s) is in effect;

(2) Who, the State agency responsible for adoption assistance has determined, cannot be placed with adoptive parents without Medicaid because the child has special needs for medical or rehabilitative care; and

(3) Who meet either of the following:

(i) Were eligible for Medicaid under the State plan before the adoption agreement was entered into; or

(ii) Would have been eligible for Medicaid before the adoption agreement was entered into, if the eligibility standards and methodologies of the foster care program were used without employing the threshold title IV-A eligibility determination.

(b) For adoption assistance agreements entered into before April 7, 1986—

(1) The agency must deem the requirements of paragraph (a)(1) and (2) of this section to be met if the State adoption assistance agency determines that—

(i) At the time of the adoption placement, the child had special needs for medical or rehabilitative care that made the child difficult to place; and

(ii) There is in effect an adoption assistance agreement between the State and the adoptive parent(s).

(2) The agency must deem the requirements of paragraph (a)(3) of this section to be met if the child was found by the State to be eligible for Medicaid before the adoption assistance agreement was entered into.

8. In § 436.301, the introductory texts of paragraphs (b) and (b)(1) are republished and a new paragraph (b)(1)(iv) is added to read as follows:

**§ 436.301 General rules.**

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to the following individuals who meet

the requirements of paragraph (a) of this section:

(iv) Women who, while pregnant, applied for, were eligible for, and received Medicaid services as medically needed on the day that their pregnancy ends. The agency must provide medically needy eligibility to these women for an extended period following termination of pregnancy. This period begins on the last day of the pregnancy and extends through the end of the month in which a 60-day period following termination of pregnancy ends. Eligibility must be provided, regardless of changes in the women's financial circumstances that may occur within this extended period. These women are eligible for the extended period for all services under the plan that are pregnancy-related (as defined in § 440.210(c)(1) of this subchapter).

9. Section 436.403 is amended by revising paragraph (f) to read as follows:

**§ 436.403 State residence.**

(f) *Individuals receiving title IV-E payments.* For individuals of any age who are receiving Federal payment for foster care and adoption assistance under title IV-E of the Social Security Act, the State of residence is the State where the child lives.

10. Section 436.604 is revised to read as follows:

**§ 436.604 Assignment of rights to benefits.**

(a) As a condition of eligibility, the agency must require legally able applicants and recipients to assign rights to medical support and other third party payments to the Medicaid agency, to cooperate with the agency in obtaining medical support or payments, and to cooperate with the agency in identifying and providing information to assist the State in pursuing any liable third party. (Part 433, subpart D), contains specific requirements for these assignments.)

(b) The requirements for assignment of rights must be applied uniformly for all groups covered under the plan.

(c) The requirements of paragraph (a) of this section for assignment of rights to medical support and other payments and cooperation in obtaining medical support and payments are effective for medical assistance furnished on or after October 1, 1984. The requirement for cooperation in identifying and providing information for pursuing liable third parties are effective for medical



assistance furnished on or after July 1, 1986.

#### **PART 440—SERVICES; GENERAL PROVISIONS**

D. Part 440 is amended as follows:

1. The authority citation for part 440 continues to read as follows:

**Authority:** Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.165 is amended by revising paragraph (c) to read as follows:

##### **§ 440.165 Nurse-midwife services.**

(c) "Maternity cycle" means a period limited to—

- (1) Pregnancy;
- (2) Labor;
- (3) Birth; and

(4) The immediate postpartum period which begins on the last day of pregnancy and extends through the end of the month in which the 60-day period following termination of pregnancy ends.

3. Section 440.210 is revised to read as follows:

##### **§ 440.210 Required services for the categorically needy.**

A State plan must specify that, as a minimum, categorically needy recipients are provided—

(a) The services as specified in §§ 440.10 through 440.50 and § 440.70;

(b) To the extent nurse-midwives are authorized to practice under State law or regulations, services specified in § 440.165;

(c) Pregnancy-related services and services for other conditions that might complicate the pregnancy.

(1) Pregnancy-related services are those services that are necessary for the health of the pregnant woman and fetus, or that have become necessary as a result of the woman having been pregnant. These include, but are not limited to, prenatal care, delivery, postpartum care, and family planning services.

(2) Services for other conditions that might complicate the pregnancy include those for diagnoses, illnesses, or medical conditions which might threaten the carrying of the fetus to full term or the safe delivery of the fetus; and

(d) For women who, while pregnant, applied for, were eligible for, and received Medicaid services under the plan, all services under the plan that are pregnancy-related for an extended postpartum period. The postpartum period begins on the last day of pregnancy and extends through the end of the month in which the 60-day period

following termination of pregnancy ends.

4. In § 440.220, the introductory paragraph is republished and a new paragraph (e) is added to read as follows:

##### **§ 440.220 Required services for the medically needy.**

A State plan that includes the medically needy must specify that the medically needy are provided, as a minimum, the following services:

(e) For women who, while pregnant, applied for, were eligible as medically needy for, and received Medicaid services under the plan, services under the plan that are pregnancy-related (as defined in § 440.210(c)(1) of this subpart) for an extended postpartum period. The postpartum period begins on the last day of pregnancy and extends through the end of the month in which the 60-day period following termination of pregnancy ends.

5. Section 440.250 is amended by adding a new paragraph (p) to read as follows:

##### **§ 440.250 Limits on comparability of services.**

(p) A State may provide a greater amount, duration, or scope of services to pregnant women than it provides under its plan to other individuals who are eligible for Medicaid, under the following conditions:

(1) These services must be pregnancy related or related to any other condition which may complicate pregnancy, as defined in § 440.210(c) of this subpart; and

(2) These services must be provided in equal amount, duration, and scope to all pregnant women covered under the State plan.

#### **PART 447—PAYMENTS FOR SERVICES**

E. Part 447 is amended as follows:

1. The authority citation for part 447 continues to read as follows:

**Authority:** Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. Section 447.53 is amended by revising paragraphs (b) introductory text and (b)(2) to read as follows:

##### **§ 447.53 Applicability; specifications; multiple charges.**

(b) *Exclusions from cost sharing.* The plan may not provide for impositions of a deductible, coinsurance, copayment, or similar charge upon categorically or medically needy individuals (except as

specified in paragraph (b)(6) of this section) for the following:

(2) *Pregnant women.* Services furnished to pregnant women if such services related to the pregnancy, or to any other medical condition which may complicate the pregnancy are excluded from cost sharing obligations. These services include routine prenatal care, labor and delivery, routine post-partum care family planning services, complications of pregnancy or delivery likely to affect the pregnancy, such as hypertension, diabetes, urinary tract infection, and services furnished during the postpartum period for conditions or complications related to the pregnancy. The postpartum period is the immediate postpartum period which begins on the last day of pregnancy and extends through the end of the month in which the 60-day period following termination of pregnancy ends. States may further exclude from cost sharing all services furnished to pregnant women if they desire.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program)

Dated: June 29, 1990.

Gail R. Wilensky,  
*Administrator, Health Care Financing Administration.*

Approved: September 13, 1990.

Louis W. Sullivan,  
*Secretary.*

[FR Doc. 90-27393 Filed 11-20-90; 8:45 am]

BILLING CODE 4120-03-M

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

##### **Federal Insurance Administration**

##### **44 CFR Part 67**

##### **Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM)



showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

#### PART 67—[AMENDED]

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
<b>ARKANSAS</b>			
<b>Jefferson County (unincorporated areas) (FEMA Docket No. 6991)</b>			
Arkansas River:		Industrial Creek:	
Approximately 0.25 river mile downstream of confluence of Big Bayou Meto.....	*181	At confluence with Bayou Bartholomew.....	*225
Downstream side of Lock and Dam No. 4.....	*205	Approximately 0.28 river mile upstream of Claude Road.....	*278
Approximately 7.9 river miles upstream of Lock and Dam No. 5.....	*231	Industrial Creek Tributary:	
Caney Bayou:		At confluence with Industrial Creek.....	*266
At confluence with Lake Langhofer (Arkansas River).....	*210	Approximately 0.18 river mile upstream of Double "LL" Road.....	*265
Approximately .58 river miles upstream of State Route 104.....	*274	Bayou Bartholomew Tributary No. 1:	
Henslee Creek:		At confluence with Bayou Bartholomew.....	*269
At confluence with Caney Bayou.....	*217	Approximately 0.44 river mile upstream of Garman Road.....	*329
Approximately 80 feet upstream of May Avenue.....	*264	Bayou Bartholomew Tributary No. 2:	
Gamble Creek:		At confluence with Bayou Bartholomew.....	*296
At confluence with Caney Bayou.....	*241	Approximately 90 feet upstream of County Route.....	*315
Approximately 70 feet upstream of Stokes Road.....	*320	Wabbaseka Bayou:	
Arnold Creek:		Approximately 1,580 feet downstream of Pawpaw Street.....	*197
At confluence with Caney Bayou.....	*251	Approximately 600 feet upstream of U.S. Route 79.....	*200
Approximately 80 feet upstream of German Springs Road.....	*321	Caney Tributary No. 1:	
Arnold Creek Tributary:		Approximately .19 river mile upstream of confluence with Caney Bayou.....	*226
At confluence with Arnold Creek.....	*280	Approximately 1 river mile upstream of confluence with Caney Bayou.....	*229
Approximately 0.9 river mile upstream of confluence with Arnold Creek.....	*302	Caney Tributary No. 2:	
Bayou Bartholomew:		At confluence with Caney Bayou.....	*235
At confluence of Outlet Canal.....	*204	Approximately 0.52 river mile upstream of confluence with Caney Bayou.....	*247
At confluence of Bayou Bartholomew Tributary No. 2.....	*296	Caney Bayou Fork:	
Boggy Bayou:		At confluence with Caney Bayou.....	*238
At confluence with Sandy Bayou.....	*203	At upstream corporate limits.....	*238
Approximately 0.45 river mile upstream of Brinkley Road.....	*247	Maps available for inspection at the Jefferson County Courthouse, Baroque and Main Streets, Pine Bluff, Arkansas.	
Boggy Bayou Tributary 1:		<b>Logan County (unincorporated areas) (FEMA Docket No. 6991)</b>	
At confluence with Boggy Bayou.....	*204	Arkansas River:	
Approximately 475 upstream of Middle Warren Road.....	*227	Approximately 0.28 mile upstream of downstream County boundary.....	*341
Boggy Bayou Tributary No. 2:		At upstream County boundary.....	*366
At confluence with Boggy Bayou.....	*213	Delaware Creek:	
Approximately 230 feet upstream of the upstream crossing of Divoky Road.....	*264	Approximately 660 feet downstream of downstream County boundary.....	*340
Outlet Canal:		Approximately 400 feet upstream of downstream County boundary.....	*340
At confluence with Bayou Bartholomew.....	*204	Shoal Creek:	
At upstream corporate limits.....	*208	At confluence with Arkansas River.....	*343
Dancing Rabbit Creek:		Approximately 1,050 feet downstream of State Route 22.....	*348
At confluence with Bayou Bartholomew.....	*207	Little Shoal Creek:	
Approximately 0.17 river mile upstream of Ridgeway Road.....	*211	At confluence with Shoal Creek.....	*344
Spring Hill Creek:		Approximately 175 feet upstream of State Route 22.....	*350
Approximately 160 feet upstream of the confluence with Bayou Bartholomew.....	*209	Cane Creek:	
Approximately 125 feet upstream of Brinkley Road.....	*254	Approximately 0.32 mile downstream of State Route 197.....	*352
Nevins Creek:		Approximately 0.53 mile downstream of State Highway 109.....	*354
At confluence with Bayou Bartholomew.....	*211	Maps available for inspection at the Logan County Courthouse, Room #22, Paris, Arkansas.	
Approximately 0.21 river mile upstream of Shannon Petty Road.....	*289	<b>CALIFORNIA</b>	
Piney Creek:		<b>Merced County (unincorporated areas) (FEMA Docket No. 6991)</b>	
At confluence with Nevins Creek.....	*221	Milos Creek:	
Approximately 0.14 river mile upstream of U.S. Route 79 Bypass (Sulphur Springs Road).....	*303	At Santa Fe Avenue.....	*229
Nevins Tributary:		Just upstream of Childs Avenue.....	*232
At confluence with Nevins Creek.....	*231	At Planada Canal.....	*234
Approximately 0.44 river mile upstream of Ramick Road.....	*273	At Le Grand Canal.....	*254
Sulphur Springs Creek:		Maps are available for review at the Merced County Planning Department, 2222 M Street, Merced, California.	
At confluence with Nevins Creek.....	*246	<b>Sonoma County (unincorporated areas) (FEMA Docket No. 6976)</b>	
Approximately 0.42 river mile upstream of Lowman Road.....	*273	Airport Creek:	
Sulphur Springs Tributary:		At confluence with Windsor Creek.....	*75
At confluence with Sulphur Springs Creek.....	*266	Just upstream of Windsor Road crossing.....	*85
Approximately 0.21 river mile upstream of Sulphur Spring Road.....	*279	At confluence of Redwood Creek.....	*95
		1,800 feet upstream of confluence with Redwood Creek.....	*100
		Bloomfield Creek:	



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
At Valley Ford Road.....	* 50	Approximately 550 feet upstream from Mark West Springs.....	*440	<i>Windsor Creek:</i>	
Just upstream from Bloomfield Road.....	* 51	<i>McBrown Creek:</i>		At confluence with Mark West Creek.....	*75
Just upstream of Atchison Road.....	* 61	At confluence with Wiggins Creek.....	*59	Just upstream of Windsor Road.....	*88
Approximately 725 feet upstream of Atchison Road.....	*62	Just upstream of McBrown Road.....	*80	Just upstream of U.S. Highway 101.....	*111
<i>Cameron Creek:</i>		Just upstream of Sprauer Road.....	*83	Just downstream of Arata Lane.....	*151
At confluence with Fulton Creek.....	* 88	<i>Pocket Canyon:</i>		Just upstream of Brooks Road.....	*189
Just downstream of Woodway Bridge.....	* 96	At confluence with Russian River.....	*57	<i>East Windsor Creek:</i>	
Just upstream of Woodlane Bridge.....	*103	At Odd Fellows Park Road.....	*79	At confluence with Windsor Creek.....	*92
At Woolsey Road Bridge.....	*110	Just upstream of Mays Canyon Road.....	*111	Just downstream from Southern Pacific Railroad.....	*98
<i>Capri Creek:</i>		At confluence of Oregon Canyon.....	*154	Just upstream of Old Redwood Highway.....	*110
At City of Petaluma corporate limits.....	* 53	Approximately 4,700 feet upstream of the upstream State Highway 116 crossing.....	*241	1,900 feet upstream of Jensen Lane.....	*124
Approximately 2,400 feet upstream of City of Petaluma corporate limits.....	* 80	<i>Pool Creek:</i>		4,000 feet upstream of Jensen Lane.....	*142
<i>Corona Creek:</i>		At confluence with Windsor Creek.....	*78	<i>Wollsey Creek:</i>	
At McDowell Road.....	* 26	Just upstream of Windsor Road.....	*85	500 feet upstream of Slusser Road.....	*76
Just above Ely Road.....	* 46	At confluence of Pruitt Creek.....	*101	Just upstream of Willowside Ranch Road.....	*100
At Adobe Road Bridge.....	*125	Just upstream of Old Redwood Highway.....	*127	Just upstream of Saddle Dam.....	*111
<i>Dry Creek:</i>		2,400 feet upstream from Pleasant Avenue.....	*169	Approximately 1,800 feet upstream of Saddle Dam at limit of detailed study.....	*112
At confluence with Russian River.....	* 84	<i>Pruitt Creek:</i>		<b>Maps are available for review at the Sonoma County Building Department, 575 Administration Drive, Santa Rosa, California.</b>	
500 feet upstream from West Side Road Bridge.....	* 86	At confluence with Pool Creek.....	*101		
At confluence of Crane Creek.....	*128	Just upstream of U.S. Highway 101.....	*116		
200 feet upstream of Yoa Kim Bridge Road.....	*172	Just downstream of Old Redwood Highway.....	*132		
At Bord Bridge.....	*199	Just upstream of East Shiloh Road.....	*149		
<i>Fife Creek:</i>		Just downstream of Faught Road.....	*186		
At confluence with Russian River.....	* 56	<i>Redwood Creek:</i>			
At Laughlin Road.....	* 59	At confluence with Airport Creek.....	*95		
<i>Fulton Creek:</i>		Just upstream of sewage treatment pond.....	*100		
At confluence with Mark West Creek.....	*76	Just upstream of Skylane Road.....	*107		
At confluence of Cameron Creek.....	*88	Just upstream of Jenny's Lane.....	*113		
Just upstream of Laughlin Road.....	*107	1,750 feet upstream of Jenny's Lane.....	*116		
Just upstream of Bisordi Lane.....	*119	<i>Russian River:</i>			
Just upstream of Southern Pacific Railroad.....	*131	At confluence with Pacific Ocean.....	*6		
<i>Gibson Creek:</i>		Approximately 100 feet downstream of State Highway #1.....	*16		
At confluence with Marin Creek.....	*74	Approximately 1,000 feet downstream from Hulbert Creek.....	*54		
Just above Eastman Lane.....	*84	Approximately 1,200 feet upstream of Odd Fellows Park Road.....	*64		
Approximately 1,960 feet upstream of Eastman Lane.....	*107	Approximately 700 feet downstream of Wohler Road.....	*75		
<i>Hulbert Creek:</i>		Downstream side of State Highway 101.....	*88		
At confluence with Russian River.....	*54	At confluence of Miller Creek.....	*202		
Just upstream of Old Cazadero Road.....	*78	Approximately 100 feet upstream from Geyersville Road.....	*210		
Just upstream of Fern Way.....	*94	At confluence with Gill Creek.....	*226		
Approximately 1,950 feet upstream of confluence with Hulbert Creek Tributary.....	*109	<i>Santa Rosa Flood Control Channel:</i>			
<i>Hulbert Creek Tributary:</i>		At confluence with Laguna de Santa Rosa.....	*75		
At confluence with Hulbert Creek.....	*95	Approximately 8,450 feet upstream of Willow-side Road.....	*86		
Approximately 850 feet upstream of confluence with Hulbert Creek.....	*108	<i>Sonoma Creek:</i>			
<i>Kizer Creek:</i>		Approximately 2,050 feet downstream from Kenilworth Avenue.....	*390		
At confluence with Wiggins Creek.....	*51	400 feet upstream of confluence of North Kenwood Creek.....	*402		
Just upstream of Skillman Lane.....	*53	At confluence of Mount Hood Creek.....	*425		
Just upstream of Bodega Avenue.....	*61	Approximately 1,250 feet upstream of confluence with Mount Hood Creek.....	*428		
Just downstream of Eucalyptus Avenue.....	*124	Just upstream of State Route 12.....	*444		
<i>Laguna De Santa Rosa:</i>		<i>Starr Creek:</i>			
At confluence with Mark West Creek.....	*75	At confluence with Windsor Creek.....	*78		
At State Route 12.....	*75	Just upstream of Kloor Road.....	*88		
At confluence of Hessel Creek.....	*80	Just upstream of Windsor River Road.....	*108		
Just upstream of Llano Road.....	*84	Just upstream of U.S. Highway 101.....	*131		
At confluence of Bellevue-Wilfred flood control channel.....	*89	300 feet upstream of Arata Lane.....	*145		
<i>Liberty Creek:</i>		<i>Washington Creek:</i>			
At confluence with Marin Creek.....	*37	At Petaluma corporate limits.....	*78		
Just downstream of Pepper Road.....	*50	Just upstream of Adobe Road.....	*122		
Approximately 100 feet downstream of White Leghorn Farm Road.....	*75	<i>East Washington Creek:</i>			
Just upstream of Jewett Road.....	*129	100 feet upstream of Petaluma corporate limits.....	*82		
Just downstream of Stoney Point Road.....	*150	Approximately 800 feet downstream of Adobe Road Bridge.....	*88		
<i>Lichau Creek:</i>		300 feet upstream of Adobe Road.....	*96		
At confluence with Willow Brook.....	*47	<i>Wiggins Creek:</i>			
300 feet upstream from Adobe Road.....	*75	At confluence with Marin Creek.....	*37		
200 feet upstream from Southern Pacific Railroad Bridge.....	*95	Upstream side of Skillman Lane.....	*54		
<i>Lynch Creek:</i>		1,800 feet upstream from King Road.....	*85		
Just above Ely Road.....	*61	<i>Willow Brook:</i>			
Approximately 3,600 feet upstream of Ely Road.....	*95	625 feet downstream from Old Redwood Highway.....	*38		
Approximately 1,000 feet downstream of Adobe Road.....	*119	Just upstream from Southern Pacific Railroad.....	*49		
<i>Marin Creek:</i>		Just upstream of Adobe Road Bridge.....	*88		
At confluence with Petaluma River.....	*37	<i>Wilson Creek:</i>			
At Skillman Lane.....	*44	At confluence with Marin Creek.....	*37		
At Bodega Avenue Bridge.....	*63	Upstream side of Skillman Lane.....	*52		
Just above Eastman Lane.....	*90	Just upstream of Bodega Avenue.....	*74		
<i>Mark West Creek:</i>		Approximately 1,000 feet above confluence of Stark Creek.....	*119		
From Russian River to Slusser Road.....	*75				
Just upstream of Laughlin Road.....	*110				
Just upstream of Southern Pacific Railroad.....	*131				
Just upstream of Wikipup Bridgeway.....	*184				

## CONNECTICUT

## Canton (town), Hartford County—(FEMA Docket No. 6991)

<i>Cherry Brook:</i>	
Approximately 80 feet upstream of U.S. Route 44.....	*313
Approximately 1,600 feet upstream of State Route 179.....	*701
<i>Farmington River:</i>	
Approximately 0.42 mile upstream of State Route 179.....	*297
Approximately 0.83 mile upstream of U.S. Route 202.....	*318
<i>Nepaug River:</i>	
At confluence with Farmington River.....	*305
At upstream corporate limits.....	*373
<i>Rattlesnake Brook:</i>	
Approximately 270 feet downstream of Dyer Avenue.....	*298
Approximately 10 feet upstream of East Hill Road.....	*469
<i>East Branch Rattlesnake Brook:</i>	
At confluence with Rattlesnake Brook just upstream of Mills Lane.....	*333
Approximately 1,050 feet upstream of Dowd Avenue.....	*340
<i>Jim Brook:</i>	
At downstream corporate limits.....	*285
Approximately 100 feet upstream of Lawton Road.....	*340
<i>Barbour Brook:</i>	
At confluence with Cherry Brook.....	*403
Approximately 40 feet upstream of Barbourtown Road.....	*508

Maps available for inspection at the Town Clerk's Safe, 4 Market Street, Collinsville, Connecticut.

## Hebron (town), Tolland County (FEMA Docket No. 6991)

<i>Amston Lake Brook:</i>	
At State Route 85.....	*398
At Amston Lake Dam.....	*520
<i>Raymond Brook:</i>	
At State Route 85.....	*381
Approximately 80 feet upstream of Robinson Road.....	*592
<i>West Branch Fawn Brook:</i>	
At Slocum Road.....	*430
Approximately 100 feet upstream of State Route 85.....	*542
<i>Fawn Brook:</i>	
At State Route 85.....	*438
At Meetinghouse Road.....	*467
<i>Judd Brook:</i>	
Approximately 20 feet upstream of Old Colchester Road.....	*344
Approximately 640 feet upstream of Old Colchester Road.....	*347

Maps available for inspection at the Town Clerk's Vault, Town Office, 15 Gilead Street, Hebron, Connecticut.



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
<b>Monroe (town), Fairfield County (FEMA Docket No. 6990)</b>		<b>Maps available for inspection at the Building Department, City Hall, 121 SW, Port St. Lucie Boulevard, Port St. Lucie, Florida.</b>		Just upstream of U.S. Route 23	*1333
<i>Housatonic River:</i>		<b>St. Lucie County (unincorporated areas) (FEMA Docket No. 6991)</b>		About 4000 feet upstream of Alto Road	*1363
At downstream corporate limits	*49	<i>Tenmile Creek Tributary:</i>		<i>South Fork Little Mud Creek:</i>	
At Stevenson Dam	*58	At mouth	*20	At mouth	*1280
<i>Lake Zoar: Entire shoreline within community</i>	*109	Just downstream of McCarty Road	*20	Just downstream of U.S. Route 23	*1294
<b>Maps available for inspection at the Town Clerk's Vault, Town Hall, 30 Fan Hill Road, Monroe, Connecticut.</b>		<i>Tenmile Creek:</i>		Just upstream of U.S. Route 23	*1304
<b>Oxford (town), New Haven County (FEMA Docket No. 6991)</b>		At confluence with North Fork St. Lucie River	*10	At Town of Baldwin corporate limits	*1358
<i>Housatonic River:</i>		Just downstream of Sunshine State Parkway	*16	<i>Alto Creek:</i>	
At the downstream corporate limits	*46	Just downstream of Okeechobee Road	*21	At confluence with Little Mud Creek	*1233
At downstream side of Stevenson Dam	*58	<i>Taylor Creek:</i>		Just downstream of U.S. Route 23	*1238
<i>Lake Zoar: Entire shoreline within community</i>	*109	About 500 feet upstream of mouth	*11	Just upstream of U.S. Route 23	*1249
<i>Fivemile Brook:</i>		About 1.76 miles upstream of St. Lucie Boulevard	*19	About 2100 feet upstream of C. Grant Road	*1287
At confluence with Housatonic River	*53	<i>Fivemile Creek:</i>		<i>Hazel Creek:</i>	
Approximately 140 feet upstream on confluence with Housatonic River	*53	At mouth	*10	About 3400 feet downstream of confluence of Lick Log Creek	*1298
<b>Maps available for inspection at the Town Clerk's Vault, Town Hall, Oxford, Connecticut.</b>		Just downstream of Whiteway Dairy Road	*17	Just downstream of Cody Road	*1350
<b>Seymour (town), New Haven County (FEMA Docket No. 6990)</b>		Just downstream of Peterson Road	*17	Just downstream of Dam No. 12	*1355
<i>Housatonic River:</i>		<i>Platts Branch:</i>		<i>Camp Creek:</i>	
Approximately 200 feet upstream of the downstream corporate limits	*41	At mouth	*10	About 3600 feet downstream of Mize Road	*1318
At the upstream corporate limits	*46	Just upstream of U.S. Route 1	*12	Just downstream of Dam No. 7	*1358
<b>Maps available for inspection at the Planning and Zoning Office, Town Hall, Seymour, Connecticut.</b>		<i>Winters Creek:</i>		<i>Lick Log Creek:</i>	
<b>Woodbridge (town), New Haven County (FEMA Docket No. 6990)</b>		At mouth	*7	At mouth	*1302
<i>West River:</i>		About 1300 feet upstream of mouth	*7	Just downstream of Camp Creek Road	*1352
At downstream corporate limits	*81	<i>Blakeslee Creek:</i>		<i>Law Creek:</i>	
Approximately 1.7 miles upstream of Bradley Road	*112	At mouth	*7	At mouth	*1313
<b>Maps available for inspection at the Town Clerk's Safe, Town Office, 11 Meeting House Lane, New Haven, Connecticut.</b>		About 500 feet upstream of mouth	*7	Just downstream of State Route 197	*1327
<b>FLORIDA</b>		<i>North Fork St. Lucie River:</i>		<i>Little Hazel Creek:</i>	
<b>Fort Pierce (city), St. Lucie County (FEMA Docket No. 6991)</b>		About 2.3 miles downstream of Port St. Lucie Boulevard	*7	At mouth	*1323
<i>Atlantic Ocean:</i>		At confluence of Tenmile Creek	*10	Just downstream of Dam No. 21	*1368
About 100 feet east of intersection of Indian Drive and South Ocean Drive	#1	<i>Atlantic Ocean/Indian River:</i>		<i>Cocklebur Creek:</i>	
<i>Atlantic Ocean/Indian River:</i>		About 750 feet west of Mimosa Avenue and Coconut Drive	*5	At mouth	*1329
At intersection of Sunset Isles Road and Eucalyptus Avenue	*5	Along shoreline, about 1.2 miles east of Blue Hole Point	*15	Just downstream of Dam No. 19	*1347
About 300 feet east of intersection of Indian Drive and South Ocean Drive	*14	<i>Atlantic Ocean:</i>		<i>Soquee River:</i>	
<i>Moores Creek:</i>		About 150 feet east of Banyan Road and Tamarino Drive intersection	#1	About 1250 feet downstream of Monroe Street	*1300
At mouth	*5	About 250 feet east of Banyan Road and Tamarino Drive intersection	#2	About 4200 feet upstream of Bridge Street	*1310
Just upstream of South 29th Street	*22	<b>Maps available for inspection at the Community Development Department, Administration Complex, 2300 Virginia Avenue, Fort Pierce, Florida.</b>		<b>Maps available for inspection at the Planning Office, 8 Courthouse Square, Clarksville, Georgia.</b>	
<i>Fivemile Creek: Within community</i>	*17	<b>St. Lucie Village (town), St. Lucie County (FEMA Docket No. 6991)</b>		<b>Lumpkin County (unincorporated areas) (FEMA Docket No. 6994)</b>	
<b>Maps available for inspection at the Building Department, City Hall Annex, 315 Avenue A, Fort Pierce, Florida.</b>		<i>Indian River:</i>		<i>Yahoola Creek:</i>	
<b>Fort St. Lucie (city), St. Lucie County (FEMA Docket No. 6991)</b>		About 700 feet east of intersection of Milton Road and Old Dixie Highway	*5	Just upstream of State Route 52	*1217
<i>Blakeslee Creek Tributary:</i>		Just east of intersection of Chamberlain Boulevard and Indian River Drive	*9	Just downstream of Remer Gooch Road	*1551
At mouth	*7	<b>Maps available for inspection at the St. Lucie Village Town Hall, St. Lucie Boulevard, St. Lucie Village, Florida.</b>		<i>Cane Creek:</i>	
About 0.97 miles upstream of mouth	*10	<i>Mud Creek:</i>		Just downstream of confluence of Crooked Creek	*1179
<i>Winters Creek:</i>		Just upstream of Crane Mill Road	*1214	Just downstream of Oak Grove Road	*1200
About 1300 feet upstream of mouth	*7	Just upstream of Garrison Road	*1249	Just upstream of Oak Grove Road	*1214
About 1.6 miles upstream of mouth	*9	Just downstream of Duncan Bridge Road	*1273	At confluence of Little Cane Creek	*1285
<i>North Fork St. Lucie River:</i>		Just upstream of Duncan Bridge Road	*1279	<i>Little Cane Creek:</i>	
About 1.15 miles downstream of Port St. Lucie Boulevard	*7	Just downstream of Old Clarksville-Athens Road	*1333	At mouth	*1285
About 2.6 miles upstream of Prima Vista Boulevard	*8	Just upstream of Old Clarksville-Athens Road	*1340	Just downstream of Wash Rider Road	*1309
<i>Indian River:</i>		Just downstream of J. Warren Road	*1352	<i>Clay Creek:</i>	
About 50 feet east of Walton Road and State Road 707	*7	Just upstream of J. Warren Road	*1358	At mouth	*1192
Along Shoreline	*11	Just downstream of U.S. Route 23	*1378	Just downstream of Oak Grove Road	*1308
<i>Blakeslee Creek:</i>		<i>South Fork Mud Creek:</i>		<i>Ward Creek:</i>	
About 500 feet upstream of mouth	*7	At confluence with Mud Creek	*1301	At mouth	*1218
About 1.37 miles upstream of mouth	*7	Just downstream of J. Warren Road	*1359	Just downstream of Cavender Creek Road	*1296
		<i>Little Mud Creek:</i>		Just upstream of Cavender Creek Road	*1304
		Just upstream of Crane Mill Road	*1167	About 2000 feet upstream of Cavender Creek Road	*1309
		Just downstream of Alto-Mud Creek Road	*1217	<i>Left Fork Cavenders Creek:</i>	
		Just upstream of Alto-Mud Creek Road	*1232	About 1100 feet upstream of mouth	*1298
		Just downstream of Duncan Bridge Road	*1266	About 2450 feet upstream of Cavender Creek Road	*1379
		Just upstream of Duncan Bridge Road	*1272	<i>Dowdy Branch:</i>	
		Just downstream of A. Wilbanks Road	*1305	At mouth	*1267
		Just upstream of A. Wilbanks Road	*1318	Just downstream of Oak Grove Road	*1324
		Just downstream of U.S. Route 23	*1318	<i>Tributary B:</i>	
				At mouth	*1279
				Just downstream of Duffie Grizzle Road	*1430
				<i>Tributary C:</i>	
				At mouth	*1182
				About 1600 feet upstream of Radio Road	*1240
				<i>Tributary D:</i>	
				At mouth	*1229
				Just downstream of Camp Wahsega Road	*1302
				<i>Happy Hollow Creek:</i>	
				At mouth	*1190
				About 500 feet upstream of mouth	*1191
				<i>Tributary E:</i>	
				At mouth	*1281
				Just downstream of Siloam Church Road	*1291



Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
<b>IDAHO</b>		<b>NEW JERSEY</b>		<b>Long Beach (town), Brunswick County (FEMA Docket No. 6994)</b>	
<b>Fremont County (unincorporated areas) (FEMA Docket No. 6991)</b>		<b>Andover (township), Sussex County (FEMA Docket No. 6987)</b>		<i>Atlantic Ocean:</i>	
<i>North Fork Teton River:</i>		<i>Paulins Kill:</i>		About 150 feet south of the intersection of East Ocean Highway and 25th Street East.....	*12
At Madison County Line.....	*4,926	Downstream corporate limits.....	*562	About 250 feet south of the intersection of 25th Place East and East Beach Drive.....	*23
Just upstream of Teton Road Bridge.....	*4,938	<i>Pequest River:</i>		<b>Maps available for inspection at the Town Hall, Long Beach, North Carolina.</b>	
About 500 feet downstream of divergence from Teton River.....	*4,940	Downstream corporate limits.....	*568	<b>Ocean Isle Beach (town), Brunswick County (FEMA Docket No. 6994)</b>	
<i>South Fork Teton River:</i>		Approximately 120' upstream of U.S. Route 208.....	*589	<i>Atlantic Ocean:</i>	
At Madison County Line.....	*4,929	<i>Kymers Brook:</i>		About 2800 feet north of the intersection of Third Street and State Road 904.....	*13
Just upstream of Teton Road Bridge.....	*4,938	Downstream corporate limits.....	*571	About 300 feet south of the intersection of Isle Plaza and 1st Street.....	*23
About 2,600 feet upstream of Teton Road Bridge.....	*4,940	Upstream corporate limits.....	*575	<b>Maps available for inspection at the Town Hall, Route 2, Ocean Isle Beach, North Carolina.</b>	
<i>Teton River:</i>		<b>Maps available for inspection at the Municipal Building, 134 Newton-Sparta Road, Newton, New Jersey.</b>		<b>Sunset Beach (town) Brunswick County (FEMA Docket No. 6994)</b>	
At divergence of North and South Forks Teton River.....	*4,940	<b>Liberty (township), Warren County (FEMA Docket No. 6991)</b>		<i>Atlantic Ocean/Intracoastal Waterway:</i>	
At the east side of Section 30 in Township 7N and Range 41E.....	*4,949	<i>Pequest River:</i>		At the intersection of 6th Street and South Shore Drive.....	*13
1,000 feet west of Section line 28/29 in Township 7N, Range 41E.....	*4,958	Approximately 850 feet north of the intersection of Hope Road and the eastern corporate limits.....	*517	About 800 feet south of the intersection of 6th Street and Main Street.....	*23
<i>Henry's Fork:</i>		Approximately 850 feet south of the intersection of Shades of Death Road and the corporate limits.....	*519	<b>Maps available for inspection at the Town Hall, 220 Shoreline Drive, Sunset Beach, North Carolina.</b>	
Just above Farmer's Friend Canal Diversion Dam.....	*5,001	<b>Maps available for inspection at the Town Clerk's Office, Municipal Building, Great Meadows, New Jersey.</b>		<b>Yaupon Beach (town), Brunswick County (FEMA Docket No. 6994)</b>	
About 400 feet downstream of Chester Dam.....	*5,035	<b>NEW YORK</b>		<i>Atlantic Ocean:</i>	
Above Chester Dam.....	*5,046	<b>Newport (village), Herkimer County (FEMA Docket No. 6987)</b>		About 200 feet south of the intersection of Ocean Drive and Trott Street.....	*22
About 4,500 feet upstream of Chester Dam.....	*5,047	<i>West Canada Creek:</i>		<i>Intracoastal Waterway/Elizabeth River:</i>	
<i>Falls River:</i>		At Newport Hydroelectric Dam.....	*649	About 1100 feet north of the intersection of Yaupon Drive and Womble Street.....	*12
At confluence with Henry's Fork.....	*5,046	At upstream corporate limits.....	*649	<b>Maps available for inspection at the Town Hall, 518 Yaupon Road, Yaupon Beach, North Carolina.</b>	
About 400 feet upstream of County Road Bridge.....	*5,058	<b>Maps available for inspection at the Village Library, South Main Street, Newport, New York.</b>		<b>OHIO</b>	
About 200 feet downstream of U.S. Highway 20 Bridge.....	*5,085	<b>NORTH CAROLINA</b>		<b>Richland County (unincorporated areas) (FEMA Docket No. 6994)</b>	
<b>Maps are available for review at the Fremont County Courthouse, 151 West First North, St. Anthony, Idaho.</b>		<b>Bald Head Island (village), Brunswick County (FEMA Docket No. 6994)</b>		<i>Rocky Fork:</i>	
<b>MAINE</b>		<i>Atlantic Ocean:</i>		Just downstream of Interstate 71.....	*1120
<b>Wiscasset (town), Lincoln County (FEMA Docket No. 6991)</b>		About 1300 feet north of the intersection of Federal Road and Unnamed Road.....	*9	About 0.5 mile upstream of South Illinois Avenue.....	*1138
<i>Atlantic Ocean:</i>		Along southern shoreline.....	*19	<i>Clear Fork Mohican River:</i>	
<i>Back River:</i>		<b>Maps available for inspection at the Village Hall, P.O. Drawer 10085, Bald Head Island, North Carolina.</b>		About 0.6 mile downstream of Bixler Road.....	*1130
At Foxbird Island.....	*11	<b>Brunswick County (unincorporated areas) (FEMA Docket No. 6994)</b>		Just downstream of Clear Fork Dam.....	*1183
At State Route 144.....	*11	<i>Atlantic Ocean/Intracoastal Waterway:</i>		<i>Black Fork Mohican River:</i>	
<i>Sheepscott River:</i> At U.S. Route 1.....	*11	About 2400 feet west of Snows Point.....	*10	Just upstream of Plymouth-Springmill Road.....	*1067
<i>Montsweag Brook:</i> At U.S. Route 1.....	*11	Within Tubbs Inlet.....	*23	About 1850 feet upstream of Myers Road.....	*1127
<b>Maps available for inspection at the Town Office, Wiscasset, Maine.</b>		<b>Maps available for inspection at the County Planning Office, County Complex, Bolivia, North Carolina.</b>		<i>Bear Run:</i>	
<b>MICHIGAN</b>		<b>Caswell Beach (town), Brunswick County (FEMA Docket No. 6994)</b>		At mouth.....	*1069
<b>Frankfort (city), Benzie County (FEMA Docket No. 6991)</b>		<i>Atlantic Ocean/Intracoastal Waterway:</i>		Just downstream of Myers Road.....	*1182
<i>Lake Michigan:</i> Along shoreline.....	*585	Just west of the southern end of the CP&L Discharge Canal.....	*12	<i>West Branch Bear Run:</i>	
<i>Betsie Lake:</i> Along shoreline.....	*585	About 400 feet south of the southeastern end of the CP&L Discharge Canal.....	*22	At mouth.....	*1069
<b>Maps available for inspection at the City Hall, 412 Main Street, Frankfort, Michigan.</b>		<b>Maps available for inspection at the Town Hall, Caswell Beach, North Carolina.</b>		Just downstream of Smiley Road East.....	*1106
<b>Iron River (city), Iron County (FEMA Docket No. 6991)</b>		<b>Holden Beach (town), Brunswick County (FEMA Docket No. 6994)</b>		<i>East Branch Bear Run:</i>	
<i>Iron River:</i>		<i>Atlantic Ocean/Intracoastal Waterway:</i>		At mouth.....	*1104
About 1800 feet downstream of East Genesee Street.....	*1468	About 1000 feet north of the intersection of Ocean Boulevard and Ferry Road.....	*13	About 300 feet upstream of Plymouth-Springmill Road.....	*1126
About 1900 feet upstream of 16th Avenue.....	*1485	About 450 feet south of the intersection of Ocean Boulevard and Ferry Road.....	*23	<i>Tubby Run:</i>	
<b>Maps available for inspection at the City Hall, 106 West Genesee Street, Iron River, Michigan.</b>		<b>Maps available for inspection at the Town Hall, 110 Rothschild Street, Holden Beach, North Carolina.</b>		Just upstream of Vernon Road.....	*1104
<b>MISSISSIPPI</b>		<i>Atlantic Ocean/Intracoastal Waterway:</i>		About 2450 feet upstream of Abandoned Railroad.....	*1121
<b>Lincoln County, (unincorporated areas) (FEMA Docket No. 6994)</b>		About 1000 feet north of the intersection of Ocean Boulevard and Ferry Road.....	*13	<i>Upper Tubby Tributary:</i>	
<i>Halbert Branch:</i>		About 450 feet south of the intersection of Ocean Boulevard and Ferry Road.....	*23	At mouth.....	*1105
Just upstream of U.S. Route 51.....	*412	<b>Maps available for inspection at the Town Hall, 110 Rothschild Street, Holden Beach, North Carolina.</b>		About 4350 feet upstream of mouth.....	*1113
About 1.35 miles upstream of U.S. Route 84.....	*430	<i>Atlantic Ocean/Intracoastal Waterway:</i>		<i>Lower Tubby Tributary:</i>	
<b>Maps available for inspection at the Chancery Clerk's Office, County Courthouse, Brookhaven, Mississippi.</b>		About 1000 feet north of the intersection of Ocean Boulevard and Ferry Road.....	*13	At mouth.....	*1107
		About 450 feet south of the intersection of Ocean Boulevard and Ferry Road.....	*23	About 4450 feet upstream of mouth.....	*1115
		<b>Maps available for inspection at the Town Hall, 110 Rothschild Street, Holden Beach, North Carolina.</b>		<i>Hartman Bargheiser Ditch:</i>	
				Just upstream of School Lane.....	*1086
				About 600 feet upstream of Schere's Lane.....	*1099
				<i>West Branch:</i>	
				About 300 feet downstream of South Gamble Street.....	*1095



Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
About 900 feet upstream of State Route 61.....	*1113	Approximately 750 feet upstream of confluence with Crutcho Creek.....	*1,196	<b>Maps available for inspection at the Muskogee County Courthouse, Muskogee, Oklahoma.</b>	
<b>West Branch Tributary:</b>		<b>Maps available for inspection at 4517 SE. 29th Street, Del City, Oklahoma.</b>		<b>PENNSYLVANIA</b>	
At mouth.....	*1105			<b>Brokenstraw (township), Warren County (FEMA Docket No. 6990)</b>	
About 3420 feet upstream of Vernon Road.....	*1120			<b>Allegheny River:</b>	
<b>Seltzer Park Creek:</b>				At downstream corporate limits.....	*1,144
About 1950 feet downstream of CSX railroad.....	*1124			At upstream corporate limits.....	*1,159
About 1.5 miles upstream of CSX railroad.....	*1139			<b>Brokenstraw Creek:</b>	
<b>Seltzer Park Tributary:</b>				Confluence with Allegheny River.....	*1,157
At mouth.....	*1129			Approximately 400 feet upstream of upstream corporate limits.....	*1,238
About 1000 feet downstream of Myers Road.....	*1154			<b>Irvine Run:</b>	
<b>Maps available for inspection at the County Emergency Management Agency, County Court- house, 50 Park Avenue, East, Mansfield, Ohio.</b>				At confluence with Brokenstraw Creek.....	*1,157
<b>Ross County (unincorporated areas) (FEMA Docket No. 6994)</b>				Approximately 2.3 miles upstream of upstream crossing of Old State Route 62.....	*1,440
<b>Paint Creek:</b>				<b>Matthews Run:</b>	
At mouth.....	*611			At downstream corporate limits.....	*1,225
About 2.0 miles upstream of confluence of Ralston Run.....	*655			At upstream corporate limits.....	*1,403
<b>North Fork Paint Creek:</b>				<b>Maps available for inspection at the Township Building, Pittsfield, Pennsylvania.</b>	
At mouth.....	*632			<b>Bullskin (township), Fayette County (FEMA Docket No. 6997)</b>	
Just downstream of Maple Grove Road.....	*683			<b>Jacobs Creek:</b>	
<b>Scioto River:</b>				At the downstream corporate limits.....	*1,039
About 0.80 mile downstream of confluence of Paint Creek.....	*610			At the upstream corporate limits.....	*1,142
About 3.3 miles upstream of upstream U.S. Route 35.....	*632			<b>Mounts Creek:</b>	
<b>Salt Creek:</b>				Approximately 265 feet downstream of down- stream corporate limits.....	*925
Just upstream of U.S. Route 35.....	*593			Approximately 55 feet upstream of Township Route 819.....	*1,214
Just downstream of CSX railroad.....	*598			<b>Irish Run:</b>	
<b>Little Salt Creek:</b>				At the confluence with Mounts Creek.....	*950
About 1000 feet upstream of mouth.....	*587			Approximately 1,650 feet upstream of Old U.S. Route 119.....	*1,022
About 400 feet upstream of southeast county boundary.....	*602			<b>Breakneck Run:</b>	
<b>Maps available for inspection at the Planning Commission, County Courthouse, Chillicothe, Ohio.</b>				At the confluence with Whites Run.....	*996
<b>OKLAHOMA</b>				Approximately 1,500 feet upstream of State Route 1019.....	*1,152
<b>Cherokee County (unincorporated areas) (FEMA Docket No. 6991)</b>				<b>Maps available for inspection at the Township Building, Shenandoah Road, Bullskin, Pennsylv- ania.</b>	
<b>Illinois River:</b>				<b>Cromwell (township), Huntingdon County (FEMA Docket No. 6994)</b>	
Approximately 1.2 miles downstream of Combs Road.....	*767			<b>Jordan Run:</b>	
Approximately .8 mile upstream of confluence of Peavine Hollow Creek.....	*795			At the confluence with Blacklog Creek.....	*619
<b>Spring Creek:</b>				Approximately 100 feet upstream of confluence.....	*620
Approximately 1,600 feet downstream of Tere- sita Road.....	*833			<b>Blacklog Creek:</b>	
Approximately 7.0 miles upstream of Teresita Road.....	*940			Approximately 100 feet downstream of conflu- ence of Jordan Run.....	619
<b>Double Spring Creek:</b>				Approximately .4 mile upstream of State Route 994 (Meadow Street).....	*642
Approximately 100 feet downstream of conflu- ence of Stream A.....	*583			<b>Maps available for inspection at the Township Building, Valley Street, Rockhill, Pennsylvania.</b>	
Approximately 1.9 miles upstream of Birch Street.....	*638			<b>Dunbar (borough), Fayette County (FEMA Docket No. 6991)</b>	
<b>East Branch:</b>				<b>Dunbar Creek:</b>	
Downstream side of Cedar Avenue.....	*813			At downstream corporate limits.....	*934
Approximately 1,200 feet upstream of Crafton Street.....	*866			At upstream corporate limits.....	*987
<b>Stream A:</b>				<b>Maps available for inspection at the Borough Building, Dunbar, Pennsylvania.</b>	
At the confluence with Double Spring Creek.....	*583			<b>East Butler (borough), Butler County (FEMA Docket No. 6991)</b>	
Approximately 600 feet upstream of Main Street.....	*603			<b>Bonnie Brook:</b>	
<b>Stream B:</b>				At downstream corporate limits.....	*1,018
At the confluence with Double Spring Creek.....	*590			Approximately 225 feet upstream of upstream corporate limits.....	*1,028
Approximately 1,300 feet upstream of State Route 80.....	*601			<b>Maps available for inspection at the Borough Building, Madison Avenue, East Butler, Pennsylv- ania.</b>	
<b>Maps available for inspection at the County Courthouse, 213 W. Delaware, Tahlequah, Okla- homa.</b>				<b>Fairchance (borough), Fayette County (FEMA Docket No. 6997)</b>	
<b>Del City (city), Oklahoma County (FEMA Docket No. 6991)</b>				<b>Georges Creek:</b>	
<b>Crutcho Creek:</b>				At downstream corporate limits.....	*1,018
Upstream side of Sooner Road.....	*1,170			At L.R. 26197 (North Main Street).....	*1,113
Downstream side of Sooner Road.....	*1,197			<b>Muddy Run:</b>	
<b>Crutcho Creek Tributary A:</b>				Approximately 150 feet downstream of the downstream corporate limits.....	*1,102
At confluence with Crutcho Creek.....	*1,194				
Approximately 400 feet upstream of S.E. 20th Street.....	*1,194				
<b>Crutcho Creek Tributary B:</b>					
At confluence with Crutcho Creek.....	*1,196				



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
At upstream corporate limits.....	*1,033	<b>North Union (township), Fayette County (FEMA Docket No. 6997)</b>		At State Route 21.....	*1,112
<b>Maps available for inspection at the Borough Building, 125 West Church Street, Fairchance, Pennsylvania.</b>		<b>Redstone Creek:</b>		<b>Maps available for inspection at the Township Building, Township Drive, Uniontown, Pennsylvania.</b>	
<b>Franklin (township), Fayette County (FEMA Docket No. 6991)</b>		At downstream corporate limits.....	*916	<b>Springfield (township), Fayette County (FEMA Docket No. 6997)</b>	
<b>Redstone Creek:</b>		Approximately 900 feet upstream of upstream corporate limits.....	*962	<b>Youghiogheny River:</b>	
Approximately 225 feet downstream of State Route 4026.....	*666	<b>Cove Run:</b>		At the downstream corporate limits.....	*944
At upstream corporate limits.....	*921	At confluence with Redstone Creek.....	*957	At the upstream corporate limits.....	*1,026
<b>Bute Run:</b>		Approximately 650 feet upstream of State Route 1055.....	*1,042	<b>Mill Run:</b>	
At downstream corporate limits.....	*927	<b>Jennings Run:</b>		At the confluence with Mill Run Reservoir.....	*1,255
Approximately 350 feet upstream of State Route 4010.....	*969	Approximately 1,450 feet downstream of U.S. Route 40.....	*1,002	Approximately 1,500 feet upstream of T-533.....	*1,607
<b>Youghiogheny River:</b>		At U.S. Route 40.....	*1,011	<b>Poplar Run:</b>	
At downstream corporate limits.....	*833	<b>Bute Run:</b>		At the confluence with Indian Creek.....	*1,367
At upstream corporate limits.....	*848	At confluence with Redstone Creek.....	*925	Approximately 1,000 feet upstream of T-844.....	*1,524
<b>Maps available for inspection at the Township Building, R.D. 1, Box 122, Vanderbilt, Pennsylvania.</b>		At corporate limits.....	*927	<b>Maps available for inspection at the Township Building, Route 711, Mill Run, Pennsylvania.</b>	
<b>Georges (township), Fayette County (FEMA Docket No. 6997)</b>		<b>Maps available for inspection at the Township Building, 229 Brown Boulevard, Uniontown, Pennsylvania.</b>		<b>Springhill (township), Fayette County (FEMA Docket No. 6991)</b>	
<b>Georges Creek:</b>		<b>Orbisonia (borough), Huntingdon County (FEMA Docket No. 6994)</b>		<b>Monongahela River:</b>	
Downstream corporate limits.....	*944	<b>Blacklog Creek:</b>		At downstream corporate limits.....	*800
Upstream corporate limits at Borough of Fairchance.....	*1,016	Approximately 50 feet west of a point on Abandoned Railroad located approximately 150 feet north of its crossing over Blacklog Creek.....	*624	At upstream corporate limits.....	*809
<b>Mountain Creek:</b>		Approximately 150 feet south of the intersection of Water and Winchester Streets.....	*635	<b>Chest River:</b>	
Confluence with Georges Creek.....	*949	<b>Maps available for inspection at the Borough Hall, Elliot Street, Orbisonia, Pennsylvania.</b>		At confluence with Monongahela River.....	*808
Approximately 825 feet upstream of State Route 3007.....	*1,000	<b>Saltlick (township), Fayette County (FEMA Docket No. 6991)</b>		At upstream corporate limits.....	*817
<b>Muddy Run:</b>		<b>Indian Creek:</b>		<b>Maps available for inspection at the Township Building, Smithfield, Pennsylvania.</b>	
Confluence with Georges Creek.....	*1,010	At the downstream corporate limits.....	*1,374	<b>Stoneboro (borough), Mercer County (FEMA Docket No. 6991)</b>	
Approximately 1,340 feet upstream of confluence with Georges Creek.....	*1,014	At the upstream corporate limits.....	*1,482	<b>Sawmill Run:</b>	
<b>Maps available for inspection at the Georges Township Building, Uniontown, Pennsylvania.</b>		<b>Back Creek:</b>		Approximately 660 feet downstream of downstream corporate limits.....	*1,164
<b>German (township), Fayette County (FEMA Docket No. 6997)</b>		At the confluence with Indian Creek.....	*1,391	Approximately 700 feet upstream of U.S. Route 62.....	*1,232
<b>Monongahela River:</b>		Approximately 700 feet upstream of T-727.....	*1,570	<b>Maps available for inspection at the Borough Building, 2655 Lake Street, Stoneboro, Pennsylvania.</b>	
At downstream corporate limits.....	*790	<b>Maps available for inspection at the Township Building, Saltlick, Pennsylvania.</b>		<b>Utica (borough), Vanango County (FEMA Docket No. 6991)</b>	
Approximately 1.8 miles upstream of confluence of Browns Run.....	*795	<b>Sandy Lake (borough), Mercer County (FEMA Docket No. 6991)</b>		<b>French Creek:</b>	
<b>Dunlap Creek:</b>		<b>Sandy Creek:</b>		At downstream corporate limits.....	*1,032
At downstream corporate limits.....	*968	At downstream corporate limits.....	*1,157	Approximately 140 feet upstream corporate limits.....	*1,040
Approximately 1.7 miles upstream of L.R. 26203.....	*1,016	At upstream corporate limits.....	*1,166	<b>Maps available for inspection at the Borough Building, R.D. 1, Box 189, Utica, Pennsylvania.</b>	
<b>Browns Run:</b>		<b>Cullit to Sandy Lake:</b>		<b>RHODE ISLAND</b>	
At confluence with Monongahela River.....	*782	At the confluence with Sandy Creek.....	*1,158	<b>Smithfield (town), Providence County (FEMA Docket No. 6991)</b>	
At confluence of N. Branch Browns Run and South Branch Browns Run.....	*951	At corporate limits.....	*1,163	<b>Woonasquacket River:</b>	
<b>North Branch Browns Run:</b>		<b>Maps available for inspection at the Borough Building, 281 Main Street, Sandy Lake, Pennsylvania.</b>		Approximately 1,000 feet downstream of Esmond Miller Road.....	*116
At confluence with Browns Run and South Branch Browns Run.....	*951	<b>South Pymatuning (township), Mercer County (FEMA Docket No. 6991)</b>		At upstream corporate limits.....	*259
At upstream corporate limits.....	*1,077	<b>McCullough Run:</b>		<b>Stillwater River:</b>	
<b>South Branch Browns Run:</b>		At the downstream corporate limits.....	*892	Approximately 200 feet downstream of Mountandale Avenue.....	*211
At confluence with Browns Run and North Branch Browns Run.....	*951	Approximately .45 mile upstream of State Route 718.....	*1,008	Approximately 1,125 feet upstream of Greenville Road.....	*322
Approximately 1,670 feet upstream of L.R. 26008.....	*1,001	<b>Maps available for inspection at the Township Building, Tamarack Drive, Sharpville, Pennsylvania.</b>		<b>Unnamed Tributary:</b>	
<b>Maps available for inspection at the Municipal Building, R.D. 1, Box 287, McClellandtown, Pennsylvania.</b>		<b>South Union (township), Fayette County (FEMA Docket No. 6997)</b>		Approximately 850 feet downstream of South Glen Drive.....	*241
<b>Menallen (township), Fayette County (FEMA Docket No. 6997)</b>		<b>Redstone Creek:</b>		At Slack Reservoir Dam.....	*284
<b>Redstone Creek:</b>		Approximately 920 feet downstream of Grant Street.....	*986	<b>Maps available for inspection at the Town Engineer's Office, 64 Farnum Pike, Esmond, Rhode Island 02917.</b>	
At downstream corporate limits.....	*672	Approximately .6 mile upstream of T.R. 620.....	*1,075	<b>Warwick (city), Kent County (FEMA Docket No. 6987)</b>	
At upstream corporate limits.....	*916	<b>Lick Run:</b>		<b>Naragansett Bay:</b>	
<b>Dunlap Creek:</b>		At confluence with Redstone Creek.....	*1,024	Pawtuxet Cove.....	*20
At confluence with Saltlick Run.....	*967	At Buttermilk Lane.....	*1,190	Occopessatuxet Cove.....	*19
Approximately 1.7 miles upstream of L.R. 26203.....	*1,017	<b>Bennington Spring Run:</b>		Confluence with Old Mill Creek.....	*20
<b>Jennings Run:</b>		At confluence with Lick Run.....	*1,041	Warwick Cove.....	*27
Approximately 1,450 feet downstream of U.S. Route 40.....	*1,002	At U.S. Route 40.....	*1,101	West Side of Warwick Point.....	*20
At State Route 21.....	*1,112	<b>Coal Lick Run:</b>		Apponaug Cove.....	*20
<b>Saltlick Run:</b>		Approximately .4 mile downstream of L.R. 26185.....	*985	Greenwich Cove.....	*21
At confluence with Dunlap Creek.....	*967	At upstream corporate limits.....	*1,049	Potowomot River.....	
Approximately 0.9 mile upstream of confluence with Dunlap Creek.....	*992	<b>Jennings Run:</b>		<b>Maskerchugg Brook:</b>	
<b>Maps available for inspection at the Menallen Township Building, Uniontown, Pennsylvania.</b>		At U.S. Route 40.....	*1,011		



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At downstream corporate limits	*76	<b>Sullivan's Island (city), Charleston County (FEMA Docket No. 6994)</b>		<b>Panther Creek:</b>	
Approximately 100 feet upstream of Interstate Route 95	*114	<i>Atlantic Ocean:</i>		At mouth	*1075
<i>Hardig Brook:</i>		At intersection of Station 26½ Street and Gold-bug Avenue	*13	Just downstream of Panther Lake Dam	*1169
Approximately 500 feet downstream of Orchard Road	*48	Along shoreline, about 400 feet southeast of intersection of Station 26 Street and Bayonne Street	*23	Just upstream of Panther Lake Dam	*1179
At upstream corporate limits	*120	<b>Maps available for inspection at the Town Hall, Sullivan's Island, South Carolina.</b>		Just downstream of Mountain Laurel Road	*1179
<i>Pawtuxet River:</i>				Just upstream of Mountain Laurel Road	*1187
Approximately .7 mile downstream of Pontiac Dam	*28			About 2200 feet upstream of Mountain Laurel Road	*1194
Upstream corporate limits	*55			<i>Tributary to Sinking Creek:</i>	
<b>Maps available for inspection at the City Hall, Planning Department, Warwick, Rhode Island.</b>				At mouth	*1268
<b>SOUTH CAROLINA</b>		<b>Union County (unincorporated areas) (FEMA Docket No. 6994)</b>		Just downstream of Norfolk Southern Railway	*1272
<b>Bamberg County (unincorporated areas) (FEMA Docket No. 6994)</b>		<i>Broad River:</i>		Just upstream of Norfolk Southern Railway	*1277
<i>Lemon Creek:</i>		About 1.25 miles downstream of confluence of Coss Creeks	*315	About 300 feet upstream of Sulphur Springs Road	*1293
About 1200 feet downstream of State Highway 77	*127	About 1.48 miles upstream of Lockhart Dam	*417	<b>Maps are available for inspection at the County Courthouse, Morristown, Tennessee.</b>	
Just downstream of confluence of Grapevine Creek	*139	<i>Coss Creeks:</i>		<b>Hardeman County (unincorporated areas) (FEMA Docket No. 6994)</b>	
<i>Grapevine Branch:</i>		At mouth	*319	<i>Spring Creek:</i>	
At mouth	*139	Just downstream of CSX railroad	*365	Just upstream of U.S. Route 64	*352
Just downstream of Olar Road	*146	Just upstream of CSX railroad	*371	Just downstream of Sain Road	*373
<i>Halfmoon Branch:</i>		<i>Tributary B:</i>		<b>Maps are available for inspection at the County Courthouse, Bolivar, Tennessee.</b>	
At mouth	*133	At mouth	*323	<b>Hardin County (unincorporated areas) (FEMA Docket No. 6994)</b>	
Just downstream of confluence of Halfmoon Branch	*149	Just upstream of CSX railroad	*334	<i>Tennessee River:</i>	
<i>Halfmoon Tributary:</i>		<i>Canal:</i>		At northern county boundary	*391
At mouth	*149	At confluence with Broad River	*366	Just downstream of Pickwick Dam	*404
About 1.27 mile upstream of Barnwell Road	*172	Just downstream of Power Dam	*367	Just upstream of Pickwick Dam	*420
<i>Savannah Creek:</i>		Just upstream of Power Dam	*393	At state boundary	*420
At county boundary	*96	Just downstream of State Route 49	*394	<i>Horse Creek:</i>	
Just downstream of dam	*125	<b>Maps available for inspection at the County Office Building, Union, South Carolina.</b>		At mouth	*398
About 3250 feet upstream of State Highway 428	*132	<b>TENNESSEE</b>		About 3.98 miles upstream of Sylvan Heights Road	*438
<b>Maps available for inspection at the County Office Building, Bamberg, South Carolina.</b>		<b>Brighton (town), Tipton County (FEMA Docket No. 6994)</b>		<b>Maps are available for inspection at the County Courthouse, Savannah, Tennessee.</b>	
<b>Charleston County (unincorporated areas) (FEMA Docket No. 6994)</b>		<i>Hatchel Creek:</i>		<b>Hawkins County (unincorporated areas) (FEMA Docket No. 6991)</b>	
<i>Atlantic Ocean/Folly River:</i>		Just downstream of McClure Street	*301	<i>Holston River:</i>	
About 2100 feet south of the intersection of Folly Beach Road and Oak Island Road	*14	Just downstream of Kenwood Street	*309	At Cherokee Lake	*1075
Just west of the intersection of Folly Beach Road and Oak Island Road	*15	<b>Maps available for inspection at the City Hall, Brighton, Tennessee.</b>		About 1400 feet downstream of Goshen Valley Road	*1142
<b>Maps available for inspection at the County Planning Department, County Courthouse, Charleston, South Carolina.</b>		<b>Covington (city), Tipton County (FEMA Docket No. 6994)</b>		About 2700 feet upstream of U.S. Government Railroad	*1176
<b>Folly Beach (township), Charleston County (FEMA Docket No. 6994)</b>		<i>Town Creek:</i>		<i>North Fork Holston River:</i>	
<i>Atlantic Ocean:</i>		About 800 feet downstream of Flat Iron Road	*279	About 1700 feet downstream of CSX Railroad	*1179
About 2,000 feet north of intersection of Center Street and Indian Avenue	*14	About 750 feet upstream of Liberty Avenue	*296	About 1950 feet upstream of Carter Valley Road	*1205
Along shoreline	*23	<b>Maps available for inspection at the City Hall, Covington, Tennessee.</b>		<i>Crockett Creek:</i>	
<b>Maps available for inspection at the City Hall, Folly Beach, South Carolina.</b>		<b>Greene County (unincorporated areas) (FEMA Docket No. 6991)</b>		At mouth	*1075
<b>Horry County (unincorporated areas) (FEMA Docket No. 6994)</b>		<i>Pond Creek:</i>		About 1.84 miles upstream of Arrowhead Drive	*1222
<i>Atlantic Ocean:</i>		About 600 feet downstream of Brown Springs Road	*1082	<b>Maps available for inspection at the County Courthouse, 150 Washington Street, Rogersville, Tennessee.</b>	
About 275 feet southeast of Atlantic Avenue and Ocean Boulevard	*23	About 0.56 mile upstream of Jim Kirk Road	*1098	<b>McNairy County (unincorporated areas) (FEMA Docket No. 6994)</b>	
<b>Maps available for inspection at the City Hall, Folly Beach, South Carolina.</b>		<i>Lick Creek:</i>		<i>Snake Creek:</i>	
<b>Hamblen County (unincorporated areas) (FEMA Docket No. 6991)</b>		Just upstream of Green Road	*1074	At county boundary	*402
<i>Atlantic Ocean:</i>		Just downstream of Andrew Johnson Highway	*1091	Just downstream of Old Stage Road	*415
At intersection of Vereen Road and Stanley Drive	*12	<b>Maps are available for inspection at the County Courthouse, Greenville, Tennessee.</b>		<i>Cypress Creek:</i>	
About 275 feet southeast of Atlantic Avenue and Ocean Boulevard	*23	<b>Nolichucky River:</b>		Just upstream of Falcon Road	*429
<b>Maps available for inspection at the County Planning Department, County Courthouse, 811 Main Street, Conway, South Carolina.</b>		About 1.19 miles downstream of Enka Dam	*1022	At confluence of Turkey Creek	*442
<b>Isle of Palms (city), Charleston County (FEMA Docket No. 6994)</b>		About 800 feet upstream of confluence of Bent Creek	*1044	<b>Maps available for inspection at the County Courthouse, Selmer, Tennessee.</b>	
<i>Atlantic Ocean:</i>		<i>Bent Creek:</i>		<b>Tipton County (unincorporated areas) (FEMA Docket No. 6994)</b>	
At intersection of Forest Trail and 41st Avenue	*13	At confluence with Nolichucky River	*1043	<i>Hatchel Creek:</i>	
Along shoreline	*23	About 1900 feet upstream of Interstate 81	*1049	Just upstream of Indian Creek Road	*299
<b>Maps available for inspection at the City Hall, Isle of Palms, South Carolina.</b>		<i>Cherokee Lake:</i>		Just downstream of Kenwood Street	*309
		Along shoreline	*1075	<i>Town Creek:</i>	
		<i>Sinking Creek:</i>		Just upstream of Leighs Chapel Road	*273
		At county boundary	*1173	Just downstream of George Gracey Highway	*305
		Just downstream of Norfolk Southern Railway (about 0.46 mile upstream of Wallace Farm Road)	*1195	<i>Mississippi River:</i>	
		Just upstream of Norfolk Southern Railway (about 0.46 mile upstream of Wallace Farm Road)	*1201	At downstream county boundary	*237
		At confluence of Tributary to Sinking Creek	*1268	About 3.85 miles upstream of confluence of Hatchie River	*251



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
<b>Maps available for inspection at the County Courthouse, Covington, Tennessee.</b>		<b>Maps available for inspection at 964 E. Harrison, Brownsville, Texas.</b>		<b>Odessa (city), Ector County (FEMA Docket No. 6975)</b>	
<b>TEXAS</b>		<b>Clay County (unincorporated areas) (FEMA Docket No. 6991)</b>		<b>Monahans Draw:</b>	
<b>Allen (city), Collin County (FEMA Docket No. 6992)</b>		<b>Dry Fork Little Wichita River:</b>		Approximately 1,770 feet downstream of southern corporate limits.....	*2,850
<b>Cottonwood Creek No. 1:</b>		Approximately 1.4 miles downstream of U.S. Route 82.....	*853	Immediately upstream of Interstate Route 20.....	*2,876
Approximately 900 feet upstream of confluence with Mustang Creek.....	*586	Approximately 3.6 miles upstream of County Route 2847.....	*902	Immediately upstream of U.S. Route 80.....	*2,896
At upstream side of State Route 121.....	*675	<b>Lake Arrow Head: Entire shoreline within community.....</b>	*932	Immediately upstream of F.M. 1936 and western most corporate limits.....	*2,920
<b>Mustang Creek:</b>		<b>Maps available for inspection at the County Courthouse, Henrietta, Texas.</b>		<b>Far East Channel:</b>	
Approximately 300' upstream of confluence with Cottonwood Creek No. 1.....	*583	<b>Ector County (unincorporated areas) (FEMA Docket No. 6975)</b>		Southeast corporate limits.....	*2,861
Approximately 1,375 feet upstream of FM 2170.....	*652	<b>Monahans Draw:</b>		Confluence of Stream FEC-1.....	*2,888
<b>Stream 2F1:</b>		At confluence with Monahans Draw.....	*2,931	Immediately upstream of West Entrance Road to U.T.P.B. (Maple Avenue).....	*2,908
At confluence with Watters Branch.....	*604	At Cypress Road.....	*2,964	<b>Stream FEC-1:</b>	
Approximately 770 feet upstream of the confluence with Watters Branch.....	*604	<b>Monahans Draw Tributary 1:</b>		At confluence with Far East Channel.....	*2,888
<b>Stream 2G2:</b>		At confluence with Monahans Draw.....	*2,964	Approximately 700 feet upstream of Unnamed Caliche Road.....	*2,900
At confluence with Cottonwood Creek No. 1.....	*604	<b>Monahans Draw Tributary 2:</b>		<b>Stream FEC-1A:</b>	
Approximately 570 feet upstream of Keith Drive.....	*630	At the confluence with Monahans Draw.....	*2,978	Confluence with FEC-1.....	*2,893
<b>Stream 2G3:</b>		Approximately 0.7 mile upstream of Westcliff Drive.....	*3,015	Approximately 0.21 mile upstream of Campus Road (Ground Level).....	*2,906
At confluence with Cottonwood Creek No. 1.....	*618	<b>Far East Channel:</b>		<b>East Side Channel:</b>	
At upstream side of Allen Drive.....	*651	Approximately 90 feet downstream of confluence of East Side Channel.....	*2,856	Southeast corporate limits.....	*2,861
<b>Stream 2G5:</b>		Southeast City of Odessa corporate limits.....	*2,861	At confluence of East Side Channel Split Flow.....	*2,888
At confluence with Cottonwood Creek No. 1.....	*620	<b>East Side Channel:</b>		Immediately downstream of Custer Street.....	*2,910
Approximately 0.9 mile upstream of confluence with Cottonwood Creek No. 1.....	*656	Approximately 0.5 mile downstream of Odessa corporate limits.....	*2,856	<b>East Side Channel Split Flow:</b>	
<b>Watters Branch:</b>		Southeast City of Odessa corporate limits.....	*2,861	At confluence with East Side Channel.....	*2,888
At confluence with Rowlett Creek.....	*585	<b>Muskingum Draw:</b>		At divergence from East Side Channel.....	*2,905
At upstream side of State Route 121.....	*698	At confluence with Monahans Draw.....	*2,870	<b>Muskingum Draw:</b>	
<b>West Rowlett Creek:</b>		At intersection of Adams Avenue and University Boulevard.....	*2,911	At confluence with Monahans Draw.....	*2,870
At confluence with Rowlett Creek.....	*611	At intersection of 52nd Street and Dixie Boulevard.....	*2,939	At intersection of Adams Avenue and University Boulevard.....	*2,911
At upstream side of State Route 121.....	*642	Approximately 300 feet upstream of Yukon Road.....	*2,947	At intersection of 52nd Street and Dixie Boulevard.....	*2,939
<b>Rowlett Creek:</b>		<b>West Side Drainage Channel:</b>		Approximately 300 feet upstream of Yukon Road.....	*2,947
Approximately 800 feet upstream of State Route 5.....	*577	At confluence with Moahans Draw.....	*2,896	At confluence with Moahans Draw.....	*2,896
At State Route 121.....	*638	Approximately 800 feet upstream of W. 18th Street.....	*2,913	Approximately 800 feet upstream of W. 18th Street.....	*2,913
<b>Maps available for inspection at the City Engineer's Office, One Butler</b>		<b>Playa No. 11B.....</b>	*2,945	<b>Maps available for inspection at the City Hall, 411 West Eighth Street, Odessa, Texas 79760.</b>	
<b>Brewster County (unincorporated areas) (FEMA Docket No. 6990)</b>		<b>Playa No. 12.....</b>	*2,942	<b>Plano (city), Collin County (FEMA Docket No. 8992)</b>	
<b>Alpine Creek:</b>		<b>Playa No. 14.....</b>	*2,911	<b>Bowman Branch:</b>	
Approximately 380 feet downstream of Hendrix Street.....	*4,413	<b>Playa No. 15.....</b>	*2,905	At confluence with Brown Branch.....	*569
Approximately 100 feet downstream of the upstream City of Alpine corporate limits.....	*4,527	<b>Playa No. 16.....</b>	*2,905	Approximately 1,100 feet downstream of Thunderbird Lane.....	*645
<b>West Moss Creek:</b>		<b>Playa No. 17.....</b>	*2,907	<b>Brown Branch:</b>	
At the City of Alpine corporate limits.....	*4,512	<b>Playa No. 18.....</b>	*2,893	Approximately 1,900 feet upstream of confluence with Rowlett Creek.....	*546
At the divergence from Moss Creek.....	*4,538	<b>Playa No. 19.....</b>	*2,894	Approximately 80 feet upstream of Alma Drive.....	*659
<b>Tributary 1:</b>		<b>Playa No. 20.....</b>	*2,913	<b>Indian Creek:</b>	
At the City of Alpine corporate limits.....	*4,548	<b>Playa No. 21.....</b>	*2,907	At Burlington Northern Railroad.....	*567
Approximately 50 feet downstream of the divergence of Tributary 3.....	*4,550	<b>Playa No. 22.....</b>	*2,933	Approximately .5 mile upstream of Burlington Northern Railroad.....	*579
<b>Toronto Creek:</b>		<b>Playa No. 23.....</b>	*2,932	<b>Rowlett Creek:</b>	
Approximately 1,600 feet downstream of State Route 118.....	*4,430	<b>Playa No. 24.....</b>	*2,936	Approximately 850 feet downstream of the St. Louis Southwestern Railway.....	*516
Approximately .65 mile upstream of Atchison Topeka & Santa Fe Railroad.....	*4,511	<b>Playa Nos. 28 &amp; 29.....</b>	*2,937	At New Alma Road.....	*594
<b>Tributary 3:</b>		<b>Playa No. 30.....</b>	*2,950	<b>Russell Creek:</b>	
At the confluence with Toronto Creek.....	*4,459	<b>Playa No. 31.....</b>	*2,992	At the confluence with Rowlett Creek.....	*585
At Southern Pacific Railroad Bridge.....	*4,542	<b>Maps available for inspection at the Ector County Courthouse, 3rd and Grant, Odessa, Texas 79760.</b>		At Independence Parkway.....	*693
<b>Moss Creek:</b>		<b>Lucas (city), Collin County (FEMA Docket No. 6991)</b>		<b>Cottonwood Creek No. 1:</b>	
Approximately 1,300 feet downstream of U.S. Route 67 and 90.....	*4,429	<b>Muddy Creek (Upper Reach):</b>		Approximately 500 feet upstream of confluence of Mustang Creek.....	*585
Approximately 2,200 feet upstream of divergence of West Moss Creek.....	*4,558	Approximately 150 feet downstream of FM 2514.....	*544	Approximately 150 feet downstream of the most upstream City of Plano corporate limits.....	*587
<b>East Moss Creek:</b>		Approximately 130 feet upstream of County Road.....	*573	<b>Stream 219:</b>	
At the confluence with Moss Creek.....	*4,450	<b>White Rock Creek (East):</b>		At the confluence with Spring Creek.....	*634
Approximately 500 feet upstream of Southern Pacific Railroad.....	*4,466	Approximately 850 feet downstream of Blondy Jhune Road.....	*524	Approximately 840 feet upstream of the confluence with Spring Creek.....	*634
<b>Maps available for inspection at the County Courthouse, Alpine, Texas.</b>		Approximately 60 feet upstream of FM 1378.....	*583		
<b>Cameron County (unincorporated areas) (FEMA Docket No. 6991)</b>		<b>Reid Branch:</b>			
<b>Gulf of Mexico:</b>		At confluence with White Rock Creek (East).....	*524		
Approximately 800 feet south of southwestern tip of South Padre Island corporate limits.....	*7	Approximately 350 feet downstream of Blondy Jhune Road.....	*550		
Eastern edge of Padre Island at northern corporate limits.....	*13	<b>Maps available for inspection at the City Hall, 325 West Lucas Road, Lucas, Texas.</b>			
<b>Laguna Madre: Western edge of Padre Island of northern corporate limits.....</b>	*10				



Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
<b>Stream IC-1:</b>		<b>Stream 5836:</b>		At approximately .3 mile downstream of State Route 5.....	*757
At Burlington Northern Railroad.....	*569	Approximately 1,100 feet upstream of confluence with White Rock Creek.....	*675	At approximately 200 feet upstream of upstream corporate limits.....	*759
Approximately 100 feet upstream of Midway Road.....	*642	Approximately 80 feet upstream of State Route 289.....	*695	<b>Oil Creek:</b>	
<b>Stream IC-1A:</b>		<b>Stream 5837:</b>		At the confluence with the Little Kanawha River.....	*759
At the confluence with Stream IC-1.....	*575	At confluence with White Rock Creek.....	*689	At approximately .2 mile upstream of County Route 1-7.....	*761
Approximately 125 feet upstream of Midway Road.....	*649	Approximately .90 mile upstream of confluence with White Rock Creek.....	*727	<b>Saltlick Creek:</b>	
<b>Spring Creek:</b>		<b>White Rock Creek:</b>		At the confluence with the Little Kanawha River.....	*759
Approximately 400 feet downstream of the confluence with Pittman Creek.....	*590	Approximately 90 feet downstream of Atchison, Topeka, & Santa Fe Railway.....	*607	At approximately .4 mile upstream of County Highway 5-11.....	*762
Approximately 700 feet upstream of Quincy Road.....	*743	Approximately 1,300 feet downstream of Rasor Road.....	*691	<b>Maps available for inspection at the Town Hall, Municipal Street, Burnsville, West Virginia.</b>	
<b>Stream 5818:</b>		<b>Pittman Creek:</b>		<b>Cairo (town) Ritchie County (FEMA Docket No. 6994)</b>	
At confluence with White Rock Creek.....	*612	At the confluence with Spring Creek.....	*594	<b>North Fork Hughes River:</b>	
Approximately .52 mile upstream of Village Creek Drive.....	*645	Approximately 400 feet upstream of Wiffletree Drive.....	*739	At downstream corporate limits.....	*672
<b>Stream 5819:</b>		<b>Stream 2D11:</b>		Approximately 60 feet upstream of upstream corporate limits.....	*676
Approximately 100 feet upstream of confluence with White Rock Creek.....	*612	At the confluence with Brown Branch.....	*556	<b>Maps available for inspection at the Town Hall (Old Bank Building), Cairo, West Virginia.</b>	
Approximately .68 mile upstream of confluence with White Rock Creek.....	*631	Approximately 1,225 feet downstream of P Avenue.....	*613	<b>Calhoun County (unincorporated areas) (FEMA Docket No. 6991)</b>	
<b>Stream 5820:</b>		<b>Maps available for inspection at the City Hall, 1520 Avenue K, Plano, Texas.</b>		<b>Little Kanawha River:</b>	
At confluence with White Rock Creek.....	*614			At the confluence of Lemuels Run.....	*677
Approximately 1,700 feet upstream of Balcones Drive.....	*650			At approximately .9 mile upstream of confluence of Yellow Creek.....	*680
<b>Stream 5821:</b>		<b>WEST VIRGINIA</b>		At approximately .84 mile downstream of the confluence of Deadening.....	*693
Approximately 975 feet upstream of confluence with White Rock Creek.....	*616	<b>Boone County (unincorporated areas) (FEMA Docket No. 6991)</b>		At the upstream corporate limits of the Town of Grantsville.....	*698
Approximately 1,780 feet upstream of FM 544 (Park Boulevard).....	*655	<b>Big Coal River:</b>		<b>West Fork Little Kanawha River:</b>	
<b>Stream 5822:</b>		Approximately .3 mile downstream of confluence of Slack Hollow.....	*644	At confluence with West Fork Little Kanawha River.....	*736
Approximately 350 feet upstream of confluence with Stream 5821.....	*640	Approximately .3 mile downstream of confluence of Toms Branch.....	*831	At approximately 260 feet upstream of the confluence of Big Fork.....	*812
Approximately .66 mile upstream of this confluence.....	*667	<b>Little Coal River:</b>		<b>Big White Oak Run:</b>	
<b>Stream 5823:</b>		Approximately 1.4 miles downstream of Big Pinnacle Branch.....	*660	At confluence with West Fork Little Kanawha River.....	*793
Approximately 1,025 feet upstream of confluence with White Rock Creek.....	*622	At the State Route 17 (approximately 2.4 miles upstream of U.S. Route 119 Town of Darville corporate limits).....	*702	At approximately .4 mile upstream of County Route 15-2.....	*808
Approximately 900 feet upstream of Winding Hollow Lane.....	*649	<b>Spruce Fork:</b>		<b>Maps available for inspection at the County Clerk's Office, Calhoun County Courthouse, Grantsville, West Virginia.</b>	
<b>Stream 5824:</b>		At the confluence with Little Coal River.....	*702	<b>Clay County (unincorporated areas) (FEMA Docket No. 6994)</b>	
At confluence with White Rock Creek.....	*629	At the County boundary.....	*805	<b>Elk River:</b>	
Approximately 925 feet upstream of State Route 289 (Preston Road).....	*686	<b>Pond Fork:</b>		Approximately 400 feet downstream of New Queen Shoals Bridge.....	*634
<b>Stream 5825:</b>		At the confluence with Little Coal River (City of Madison corporate limits).....	*702	Approximately 300 feet upstream of County Route 13-7.....	*786
At confluence with White Rock Creek.....	*631	Approximately 300 feet upstream of confluence of Rocklick Branch.....	*1,160	<b>Big Otter Creek:</b>	
At State Route 289 (Preston Road).....	*674	<b>Spruce Laurel Fork:</b>		At confluence with Elk River.....	*751
<b>Stream 5826:</b>		At the confluence with Spruce Fork.....	*804	Confluence of Stinsonlick Fork.....	*867
At confluence with White Rock Creek.....	*634	Approximately .3 mile upstream of CSX Transportation.....	*817	<b>Reed Fork:</b>	
Approximately .84 mile upstream of confluence with White Rock Creek.....	*664	<b>West Fork:</b>		At confluence with Horner Fork.....	*787
<b>Stream 5827:</b>		Approximately .3 mile downstream of confluence of Brandy Branch.....	*974	3,000 feet (approximately .6 mile) upstream of confluence with Horner Fork.....	*823
At the confluence of White Rock Creek.....	*635	Approximately 675 feet upstream of confluence of Little Ugly Branch.....	*1,078	<b>Summers Fork:</b>	
Approximately .49 mile upstream of the confluence of Stream 5828.....	*711	<b>Maps available for inspection at the Office of Emergency Services, Boone County, 200 State Street, Madison, West Virginia.</b>		At confluence with Laurel Creek.....	*777
<b>Stream 5828:</b>		<b>Braxton County (unincorporated areas) (FEMA Docket No. 6991)</b>		Approximately 2 miles upstream of confluence with Laurel Creek.....	*868
Approximately 145 feet upstream of confluence with Stream 5827.....	*694	<b>Little Kanawha River:</b>		<b>Laurel Creek:</b>	
Approximately .33 mile upstream of confluence with Stream 5827.....	*703	At the confluence of Buffalo Creek.....	*756	Approximately 700 feet downstream of confluence of Laurel Fork.....	*752
<b>Stream 5829:</b>		At approximately .6 mile upstream of the upstream Town of Burnsville corporate limits.....	*759	At confluence of Valley Fork and Hanford Fork.....	*838
At confluence with White Rock Creek.....	*639	<b>Oil Creek:</b>		<b>Valley Fork:</b>	
At Thompson Road.....	*691	At Interstate Route 79.....	*759	At confluence with Laurel Creek.....	*838
<b>Stream 5830:</b>		At the confluence of Clover Fork.....	*782	Approximately 0.8 mile upstream of confluence with Laurel Creek.....	*882
Approximately 1,360 feet upstream of confluence with White Rock Creek.....	*651	<b>Saltlick Creek:</b>		<b>Hornor Fork:</b>	
Approximately .46 mile upstream of Preston Meadow Drive.....	*715	Approximately .3 mile downstream of Interstate Route 79.....	*761	At confluence with Laurel Creek.....	*764
<b>Stream 5831:</b>		At the CSX Transportation.....	*769	At confluence of Reed Fork.....	*787
At confluence with White Rock Creek.....	*658	<b>Elk River:</b>		<b>Middle Creek:</b>	
Approximately 450 feet upstream of Preston Meadow Drive.....	*712	At the County boundary.....	*786	At confluence with Elk River.....	*692
<b>Stream 5832:</b>		At approximately 600 feet upstream of Town of Sutton Corporate limits.....	*828		
At confluence with White Rock Creek.....	*659	<b>Maps available for inspection at the County Clerk's Office, Braxton County Courthouse, Sutton, West Virginia.</b>			
Approximately .38 mile upstream of confluence with White Rock Creek.....	*674	<b>Burnsville (town), Braxton County (FEMA Docket No. 6991)</b>			
<b>Stream 5833:</b>		<b>Little Kanawha River:</b>			
At confluence with White Rock Creek.....	*665				
Approximately 960 feet upstream of Ohio Drive.....	*697				
<b>Stream 5834:</b>					
At confluence with White Rock Creek.....	*665				
Approximately .68 mile upstream of the confluence with White Rock Creek.....	*689				
<b>Stream 5835:</b>					
At confluence with White Rock Creek.....	*673				
Approximately 1,440 feet upstream of Rasor Road.....	*709				



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,350 feet upstream of County Route 24-1.....	*991	<b>Maps available for inspection at the Mayor's Office, Town Hall, Gassaway, West Virginia 26624.</b>		At the confluence of Sandy Creek.....	*592
<b>Lick Branch:</b>				Approximately 0.4 mile upstream of the confluence of Turkey Run.....	*593
At confluence with Middle Creek.....	*942			<b>Maps available for inspection at the City Hall, Ravenswood, West Virginia.</b>	
At confluence of Osborne Fork.....	*1,038			<b>Sand Fork (town), Gilmer County (FEMA Docket No. 6994)</b>	
<b>Maps available for inspection at the County Clerk's Office, County Courthouse, Clay, West Virginia.</b>		<b>Gilmer County (unincorporated areas) (FEMA Docket No. 6994)</b>		<b>Little Kanawha River:</b>	
<b>Clay (town), Clay County (FEMA Docket No. 6994)</b>		<b>Little Kanawha River:</b>		Approximately 800 feet downstream of the confluence of Sand Fork.....	*738
<b>Elk River:</b>		At the downstream county boundary.....	*716	Approximately 375 feet downstream of confluence of Lick Run.....	*740
At approximately 1,000 feet downstream of County Route 28.....	*701	At the upstream county boundary.....	*750	<b>Sand Fork:</b>	
At approximately 600 feet downstream of Bens Run.....	*711	<b>Leading Creek:</b>		At the confluence with the Little Kanawha River.....	*739
<b>Maps available for inspection at the Mayor's Office, Town Hall, Main Street, Clay, West Virginia.</b>		Approximately .49 mile downstream of the confluence of Mudlick Run.....	*755	Approximately .63 mile upstream of State Highway 5.....	*739
<b>Danville (town), Boone County (FEMA Docket No. 6991)</b>		At the county boundary.....	*780	<b>Maps available for inspection at the Town of Sand Fork Firehouse, Route 13, Sand Fork, West Virginia.</b>	
<b>Little Coal River:</b>		<b>Stewart Creek:</b>		<b>Sophia (town), Raleigh County (FEMA Docket No. 6994)</b>	
At the downstream corporate limits (downstream side of U.S. Route 119).....	*694	At the confluence with Little Kanawha River.....	*731	<b>Soek Creek:</b>	
At the upstream corporate limits.....	*697	Approximately 1,100 feet upstream of the confluence of Grassy Run.....	*750	At downstream corporate limits.....	*2,312
<b>Maps available for inspection at the Town Hall, Danville, West Virginia.</b>		<b>Sand Fork:</b>		Approximately 350 feet upstream of White Oak Street.....	*2,331
<b>Doddridge County (unincorporated areas) (FEMA Docket No. 6994)</b>		At the confluence with Little Kanawha River.....	*739	<b>Soak Creek Tributary No. 1:</b>	
<b>Middle Island Creek:</b>		At the confluence of Indian Fork.....	*754	At confluence with Soak Creek.....	*2,318
At County boundary.....	*740	At approximately 1,600 feet upstream of the confluence with Sand Fork.....	*754	Approximately 400 feet upstream of Daniels Street.....	*2,324
At the confluence of Meathouse Fork and Buckeye Creek.....	*793	<b>Steer Creek:</b>		<b>Maps available for inspection at the Town Hall, Sophia, West Virginia.</b>	
<b>Buckeye Creek:</b>		At confluence of Bear Fork.....	*715	<b>Sutton (town), Braxton County (FEMA Docket No. 6991)</b>	
At the confluence with Middle Island Creek.....	*793	At the confluence of Left Fork Steer Creek and Right Fork Steer Creek.....	*717	<b>Elk River:</b>	
At approximately 240 feet upstream of the confluence of Long Run.....	*846	<b>Left Fork Steer Creek:</b>		Approximately .4 mile upstream of County Highway 28-5.....	*825
At the confluence of Greenbrier Creek.....	*880	At the confluence with Steer Creek.....	*717	At approximately 600 feet upstream of the confluence of Old Woman Run.....	*828
At the confluence of Traugh Fork.....	*950	At approximately 1,890 feet upstream of the confluence of Eliza Run.....	*753	<b>Maps available for inspection at the Mayor's Office, Sutton Community Building, Sutton, West Virginia.</b>	
<b>Meathouse Fork:</b>		<b>Right Fork Steer Creek:</b>		<b>Sylvester (town), Boone County (FEMA Docket No. 6991)</b>	
At the confluence with Middle Island Creek.....	*793	Approximately 100 feet downstream of County Route 23-7.....	*767	<b>Big Coal River:</b>	
At County Highway 56.....	*845	At the county boundary.....	*773	At the downstream corporate limits.....	*787
At approximately 1,650 feet downstream of County Highway 25-13.....	*929	<b>Cedar Creek:</b>		Approximately 300 feet upstream of upstream corporate limits.....	*793
At the confluence of Laurel Run and Big Isaac Creek.....	*942	Approximately .54 mile downstream of the confluence of Lower Level Run.....	*785	<b>Maps available for inspection at the Community Building, Sylvester, West Virginia, by appointment with Mayor Anderson.</b>	
<b>McElroy Creek:</b>		Approximately 150 feet upstream of the confluence of Rockcamp Run.....	*794	<b>West Union (town), Doddridge County (FEMA Docket No. 6994)</b>	
At the confluence of Flint Run.....	*741	<b>Maps available for inspection at the County Clerk's Office, Gilmer County Courthouse, Glenville, West Virginia.</b>		<b>Middle Island Creek:</b>	
At the confluence of Big Battle Run and Robinson Fork.....	*793	<b>Glenville (city), Gilmer County (FEMA Docket No. 6994)</b>		Approximately 2,000 feet downstream for Sister-ville Avenue.....	*774
<b>Wilhelm Run:</b>		<b>Little Kanawha River:</b>		At State Route 18.....	*777
At the confluence with Arnold Creek.....	*794	At downstream corporate limits of the City of Glenville.....	*728	<b>Maps available for inspection at the Town Hall, Columbia Street, West Union, West Virginia.</b>	
At approximately 1.2 miles upstream of the confluence with Arnold Creek.....	*839	At the confluence of Stewart Creek.....	*731	<b>Whitesville (town), Boone County (FEMA Docket No. 6991)</b>	
<b>Long Run:</b>		At the confluence with Little Kanawha River.....	*731	<b>Big Coal River:</b>	
At the confluence with Buckeye Creek.....	*845	At approximately 0.21 mile upstream of State Highway 5.....	*731	Approximately 300 feet downstream of downstream corporate limits.....	*818
At approximately 1.5 miles upstream of CSX Transportation.....	*916	<b>Maps available for inspection at the City Hall, 20 North Court Street, Glenville, West Virginia.</b>		Approximately 200 feet upstream of upstream corporate limits.....	*833
<b>Toms Fork:</b>		<b>Grantsville (town), Calhoun County (FEMA Docket No. 6991)</b>		<b>Maps available for inspection at the Town Hall, Boone Street, Whitesville, West Virginia.</b>	
At the confluence with Meathouse Fork.....	*828	<b>Little Kanawha River:</b>		<b>WISCONSIN</b>	
At the confluence of Little Toms Fork.....	*844	At the downstream corporate limits.....	*696	<b>Cedarburg (city), Ozaukee County (FEMA Docket No. 6991)</b>	
<b>Greenbrier Creek:</b>		At the upstream corporate limits.....	*698	<b>Cedar Creek:</b>	
At the confluence with Buckeye Creek.....	*880	<b>Maps available for inspection at the Mayor's Office, High Street, Grantsville, West Virginia.</b>		At corporate limits.....	*711
Approximately 1.9 miles upstream of confluence with Buckeye Creek.....	*929	<b>Madison (city), Boone County (FEMA Docket No. 6991)</b>		Just downstream of Ruck Dam.....	*782
<b>Big Isaac Creek:</b>		<b>Little Coal River:</b>			
At the confluence with Meathouse Fork.....	*942	At the downstream corporate limits.....	*697		
At the confluence of Little Isaac Creek.....	*948	At the upstream corporate limits.....	*702		
<b>Laurel Run:</b>		<b>Pond Fork:</b>			
At the confluence with Meathouse Fork.....	*942	At the confluence with Little Coal River.....	*702		
At approximately 0.9 mile upstream from the confluence with Meathouse Fork.....	*986	Approximately 900 feet upstream of confluence.....	*703		
<b>Maps available for inspection at the County Clerk's office, County Courthouse, 118 East 4th Street, West Union, West Virginia.</b>		<b>Spruce Fork:</b>			
<b>Gassaway (town), Braxton County (FEMA Docket No. 6991)</b>		At the confluence with Little Coal River.....	*702		
<b>Elk River:</b>		At the upstream corporate limits.....	*704		
At State Route 4 approximately .3 mile downstream of downstream corporate limits.....	*817	<b>Maps available for inspection at the City Hall, 261 Washington Avenue, Madison, West Virginia.</b>			
At the upstream corporate limits.....	*820	<b>Ravenswood (city), Jackson County (FEMA Docket No. 6987)</b>			
		<b>Ohio River:</b>			



Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Just upstream of Ruck Dam.....	*788	<b>Ozaukee County (unincorporated areas) (FEMA Docket No. 6991)</b>		About 0.48 mile downstream of Lake Shore Drive.....	*585
At corporate limits.....	*805	<i>North Branch Milwaukee River:</i>		About 3000 feet upstream of Lower Falls Road.....	*587
<b>Maps available for inspection at the Engineering Office, City Hall, W63 N645 Washington, Avenue, Cedarburg, Wisconsin.</b>		At confluence with Milwaukee River.....	*797	<i>Lake Michigan: Along shoreline.....</i>	*584
<b>Fredonia (village), Ozaukee County (FEMA Docket No. 6991)</b>		At western county boundary.....	*798	<i>Pigeon River:</i>	
<i>Milwaukee River:</i>		About 3.0 miles downstream of Jay Road.....	*808	About 2050 feet upstream of mouth.....	*585
About 850 feet downstream of confluence of Unnamed Tributary No. 2.....	*780	At western county boundary.....	*808	About 0.86 mile upstream of Calumet Drive.....	*610
Just downstream of State Highway 84.....	*784	<i>Milwaukee River:</i>		<b>Maps available for inspection at the City Hall, 628 Center Avenue, Sheboygan, Wisconsin.</b>	
<i>Unnamed Tributary No. 2:</i>		At City of Mequon corporate limits.....	*671	<b>Sheboygan Falls (city), Sheboygan County (FEMA Docket No. 6994)</b>	
At mouth.....	*780	At western county boundary.....	*835	<i>Sheboygan River:</i>	
Just downstream of dam.....	*797	<i>Cedar Creek:</i>		About 0.88 mile downstream of Monroe Street.....	*629
<i>Unnamed Tributary No. 3:</i>		At mouth.....	*680	Just downstream of Chicago and North Western railroad.....	*639
At mouth.....	*791	About 400 feet downstream of Wire and Nail Factory Dam.....	*743	Just upstream of Monroe Street.....	*658
About 600 feet upstream of Meadowbrook Lane.....	*798	Just upstream of Wire and Nail Factory Dam.....	*762	Just downstream of Dam.....	*662
<b>Maps available for inspection at the Public Works Department, Village Hall, 416 Fredonia, Fredonia, Wisconsin.</b>		At county boundary.....	*838	Just upstream of Dam.....	*671
<b>Grafton (village), Ozaukee County (FEMA Docket No. 6991)</b>		<i>Lake Michigan: Along shoreline.....</i>	*599	About 2.54 mile upstream of Leavens Street.....	*679
<i>Milwaukee River:</i>		<i>Mole Creek:</i>		<i>Mullet River:</i>	
About 2100 feet downstream of Lime Kiln Dam.....	*704	At mouth.....	*745	Just downstream of County Highway PP.....	*677
Just downstream of Chair Factory Dam.....	*722	Just upstream of Maple Road.....	*780	About 2.0 miles upstream of Chicago and North Western railroad.....	*690
Just upstream of Chair Factory Dam.....	*729	<i>Sauk Creek:</i>		<i>Onion River:</i>	
About 2850 feet upstream of Washington Street.....	*743	At mouth.....	*590	At mouth.....	*631
<i>Mole Creek:</i>		Just upstream of Interstate 43.....	*694	About 2000 feet upstream of Buffalo Street.....	*633
At mouth.....	*746	<b>Maps available for inspection at the Zoning Office, County Courthouse, 121 West Main, Port Washington, Wisconsin.</b>		<b>Maps available for inspection at the City Hall, 375 Buffalo Street, Sheboygan Falls, Wisconsin.</b>	
Just upstream of North Green Bay Road.....	*752	<b>Peshigo (city), Marinette County (FEMA Docket No. 6991)</b>		<b>Thiensville (village), Ozaukee County (FEMA Docket No. 6991)</b>	
Just downstream of 9th Avenue.....	*756	<i>Peshigo River:</i>		<i>Milwaukee River:</i>	
Just upstream of 9th Avenue.....	*761	About 0.6 mile downstream of Peshigo Dam.....	*596	Just downstream of Division Street.....	*659
About 800 feet upstream of Cedar Creek Road.....	*762	Just downstream of Peshigo Dam.....	*597	At corporate limits.....	*662
<b>Maps available for inspection at the Building Inspection Department, Village Hall, 1102 Bridge Street, Grafton, Wisconsin.</b>		Just upstream of Peshigo Dam.....	*604	<b>Maps available for inspection at the Village Hall, 250 Elm Street, Thiensville, Wisconsin.</b>	
<b>Kohler (village), Sheboygan County (FEMA Docket No. 6994)</b>		About 1.0 mile upstream of Peshigo Dam.....	*604		
<i>Sheboygan River:</i>		<i>Trout Brook:</i>			
Just upstream of U.S. Highway 141.....	*598	At mouth.....	*604		
About 1050 feet upstream of upstream corporate limits.....	*630	About 0.5 mile upstream of Emery Avenue.....	*605		
<b>Maps available for inspection at the Village Hall, 119 Highland Drive, Kohler, Wisconsin.</b>		<b>Maps available for inspection at the City Hall, 331 French Street, Peshigo, Wisconsin.</b>			
<b>Marinette County (unincorporated areas) (FEMA Docket No. 6994)</b>		<b>Port Washington (city), Ozaukee County (FEMA Docket No. 6991)</b>			
<i>Peshigo River:</i>		<i>Sucker Brook:</i>			
About 2.95 miles upstream of Peshigo Dam.....	*604	At mouth.....	*590		
Just downstream of State Highway 64.....	*606	Just downstream of Hales Trail.....	*644		
<i>Menominee River:</i>		Just upstream of Hales Trail.....	*661		
About 300 feet upstream of Upper Dam Scott Paper Company.....	*610	Just downstream of Norport Drive.....	*672		
About 3.51 miles upstream of Upper Dam Scott Paper Company.....	*616	Just upstream of Norport Drive.....	*678		
<i>Green Bay: Within community.....</i>	*584	About 0.54 mile upstream of Norport Drive.....	*690		
<b>Maps available for inspection at the County Courthouse, 1926 Hall Avenue, Marinette, Wisconsin.</b>		<i>Sauk Creek Tributary:</i>			
<b>Mequon (city), Ozaukee County (FEMA Docket No. 6991)</b>		At mouth.....	*590		
<i>Milwaukee River:</i>		Just downstream of West Oakland Avenue.....	*614		
Just upstream of county boundary.....	*653	Just upstream of West Oakland Avenue.....	*618		
Just downstream of Pioneer Road.....	*670	Just downstream of Abandoned dam.....	*636		
<i>Little Menominee River:</i>		Just upstream of abandoned dam.....	*643		
At county boundary.....	*720	Just downstream of South Park Street.....	*657		
Just upstream of Freistadt Road.....	*731	Just upstream of South Park Street.....	*664		
<i>Little Menominee Creek:</i>		Just downstream of Sunset Road.....	*688		
At mouth.....	*725	<i>Lake Michigan: Along shoreline.....</i>	*590		
Just downstream of Freistadt Road.....	*796	<i>Sauk Creek:</i>			
<i>Pigeon Creek:</i>		At mouth.....	*590		
At mouth.....	*660	Just downstream of County Highway LL.....	*692		
Just upstream of Williamsburg Drive.....	*666	About 100 feet upstream of Interstate 43.....	*692		
<i>Lake Michigan: Along shoreline.....</i>	*590	<b>Maps available for inspection at the City Hall, Port Washington, Wisconsin.</b>			
<b>Maps available for inspection at the City Hall, 11333 North Cedarburg Road 80 West, Mequon, Wisconsin.</b>		<b>Saukville (village), Ozaukee County (FEMA Docket No. 6991)</b>			
		<i>Milwaukee River:</i>			
		At corporate limits.....	*753		
		At corporate limits.....	*758		
		<i>Unnamed Tributary No. 1:</i>			
		At mouth.....	*757		
		At corporate limits.....	*768		
		<b>Maps available for inspection at the Village Hall, 639 East Green Bay Avenue, Saukville, Wisconsin.</b>			
		<b>Sheboygan (city), Sheboygan County (FEMA Docket No. 6994)</b>			
		<i>Sheboygan River:</i>			

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
<b>ILLINOIS</b>	
<b>Wilmington (City), Will County (FEMA Docket No. 6960)</b>	
<i>Kankakee River:</i>	
About 0.8 mile downstream of confluence of unnamed tributary.....	*534
About 0.8 mile upstream of Wilmington Dam.....	*544
<i>Kankakee River East Channel:</i>	
Just upstream of confluence with Kankakee River.....	*536
Just upstream of West Street.....	*541
<i>Kahler Road Drainage Ditch:</i>	
At mouth.....	*540
About 0.3 mile upstream of Kahler Road.....	*555
<i>Forked Creek:</i>	
At mouth.....	*536
Just downstream of McIntyre Court.....	*538
Just upstream of McIntyre Court.....	*543
About 0.5 mile upstream of Kahler Road.....	*549
<b>Maps available for inspection at the Clerk's desk, City Hall, 114 North Main Street, Wilmington, Illinois.</b>	



Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
<b>NEW YORK</b>	
Waiton (village), Delaware County (FEMA Docket No. 6978)	
West Branch Delaware River:	
Approximately 1 mile downstream of State Route 206 bridge (Bridge Street).....	*1,201
Approximately 0.9 mile upstream of State Route 206 bridge.....	*1,217
West Brook:	
At the confluence with the West Branch Delaware River.....	*1,207
Approximately 1,550 feet upstream of Austin Lincoln Park Road Bridge.....	*1,244
East Brook:	
At the confluence with the West Branch Delaware River.....	*1,213
Approximately 680 feet upstream of East Street Bridge.....	*1,237
Third Brook:	
At the confluence with the West Brook.....	*1,207
Approximately 1,250 feet upstream of Ogden Street Bridge.....	*1,273
Maps available for inspection at the Village Hall, 21 North Street, Waiton, New York.	
<b>PENNSYLVANIA</b>	
Brookville (borough), Jefferson County (FEMA Docket No. 6968)	
Redbank Creek:	
Downstream corporate limits.....	*1,210
Confluence with North Fork and Sandy Lick Creek.....	*1,215
Sandy Lick Creek:	
Confluence with Redbank Creek.....	*1,215
Upstream corporate limits.....	*1,229
North Fork:	
Confluence with Redbank Creek.....	*1,215
Upstream corporate limits.....	*1,234
Maps available for inspection at the Municipal Building, 2 Jefferson Court, Brookville, Pennsylvania.	

Issued: November 13, 1990.

C.M. "Bud" Schaefer,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 90-27283 Filed 11-20-90; 8:45 a.m.]

BILLING CODE 6718-03-M

## ENVIRONMENTAL PROTECTION AGENCY

### 48 CFR Parts 1513, 1527, and 1552

[FRL-3744-4]

#### Acquisition Regulation

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Final Rule.

**SUMMARY:** This final rule revises the Environmental Protection Agency Acquisition Regulation (EPAAR) with respect to imprest fund transaction levels and data rights coverage.

**EFFECTIVE DATES:** November 21, 1990.

**FOR FURTHER INFORMATION CONTACT:**  
Environmental Protection Agency,  
Procurement and Contracts  
Management Division (PM-214F), 401 M

Street, SW. Washington, DC 20460, Attn:  
Marilyn Torpey. Telephone (202) 245-  
3941.

#### SUPPLEMENTARY INFORMATION:

##### A. Determination to Issue a Final Rule

The EPA has made a determination to publish changes to the Agency's imprest transaction levels as a final rule without prior comment in accordance with the Federal Acquisition Regulation (FAR) 1.301(b). FAR 1.301(b) states rules which do not have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or offerors need not be published for comment. Imprest fund transaction levels concern EPA internal operating procedures only.

##### B. Background

The EPA Financial Management Division, which determines the authorized levels for imprest fund purchases, has increased these levels to \$500 for routine purchases and \$750 for emergency purchases. This rule incorporates the increase in these levels.

This rule also removes EPAAR coverage in parts 1527 and 1552 that essentially duplicates existing coverage in FAR part 27. This rule retains a portion of existing EPAAR 1552.227-71 on the purposes for which limited rights data, as defined in FAR 27.401 may be disclosed outside of EPA. The existing portion of EPAAR is authorized by FAR 27.404(d)(1). The retained portion is redesignated under this rule as EPAAR 1527.404.

##### C. Executive Order 12291

The Office of Management and Budget (OMB) Bulletin No. 85-7, dated December 14, 1984, establishes the requirements for OMB review of agency acquisition regulations. These regulations do not fall within any of the categories cited in the Bulletin requiring OMB review.

##### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements requiring the approval of OMB under 44 U.S.C. 3501, et seq.

##### E. Regulatory Flexibility Act

The EPA certifies this rule does not exert a significant economic impact on a substantial number of small entities because the changes do not impose any new requirements on contractors, large or small.

##### F. Public Comments

The EPA published a notice of proposed rulemaking on the amendments to 48 CFR parts 1527 and 1552 in the Federal Register on May 21, 1990. No comments were received.

##### List of Subjects in 48 CFR Parts 1513, 1527 and 1552

Government procurement, Small purchase, Data, Provisions and clauses.

For reasons set forth in the preamble, 48 CFR parts 1513, 1527 and 1552 are amended as follows:

##### PART 1513—[AMENDED]

1. The authority citation for parts 1513, 1527 and 1552 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1513.404 is revised to read as follows:

##### 1513.404 Conditions for use.

Imprest funds may be used for small purchases when the transaction does not exceed \$500 (\$750 under emergency conditions).

##### PART 1527—[AMENDED]

3. Part 1527 is amended by adding subpart 1527.4 consisting of section 1527.404 to read as follows:

##### Subpart 1527.4—Rights in Data and Copyrights

##### 1527.404 Basic rights in data clause.

The Contracting Officer shall insert in the *Limited Rights Notice* when using Alternate II of FAR 52.227-14 the following purposes for disclosure of limited data outside the Government.

(a) Use (except for manufacture) by support service contractors;

(b) Evaluation by nongovernment evaluators;

(c) Use (except for manufacture) by other contractors participating in the Government's program of which the specific contract is a part, for information and use in connection with the work performed under each contract;

(d) Emergency repairs or overhaul work;

(e) Release to a foreign government, or instrumentality thereof, as the interests of the United States Government may require, for information or evaluation, or for emergency repair or overhaul work by such government.



Sections 1527.7000 through 1527.7005 [Removed]

#### PART 1552—[AMENDED]

4. Subpart 1527.70 is removed.

Sections 1552.227-70 through 1552.227-75 [Removed]

5. Part 1552 is amended by removing sections 1552.227-70 through 1552.227-75.

Dated: September 27, 1990.

John C. Chamberlin,

Director, Office of Administration.

[FR Doc. 90-27399 Filed 11-20-90; 8:45 am]

BILLING CODE 6560-50-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 675

[Docket No. 91046-0006]

##### Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

**SUMMARY:** The Director, Alaska Region, NMFS (Regional Director), has determined that the domestic annual processing (DAP) flatfish fisheries have attained their secondary prohibited species catch allowance of Pacific halibut of 567 metric tons (mt) in the Bering Sea and Aleutian Islands (BSAI) area. Therefore, the Secretary of Commerce (Secretary) is prohibiting any further DAP directed fishing for yellowfin sole, rock sole, and "other flatfish" in the aggregate in the entire BSAI area. This action is taken pursuant to regulations implementing the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands area to prevent excessive bycatch of Pacific halibut in the groundfish fishery in an area of particular importance to the Pacific halibut stock. The intent of this action is to assure optimum use of groundfish while conserving Pacific halibut stocks.

**EFFECTIVE DATES:** Noon, Alaska local time (ALT), November 16, 1990, through midnight, ALT, December 31, 1990.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden (Resource Management Specialist), NMFS, Alaska Region, 907-586-7229.

**SUPPLEMENTARY INFORMATION:** The Secretary approved, on July 7, 1989, Amendment 12a to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands area (FMP) under authority of the Magnuson Fishery Conservation and Management Act. Amendment 12a was implemented by the Secretary with a final rule promulgated August 9, 1989, (54 FR 32642) and effective September 3, 1989, through December 31, 1990.

The purpose of Amendment 12a is to limit incidental catches of the prohibited species *C. bairdi* Tanner crab, red king crab, and Pacific halibut, by the groundfish fisheries in the BSAI area. Such incidental catches are referred to as bycatches in fisheries targeting groundfish. The amendment established 20 prohibited species catch (PSC) limits in four fisheries: DAP fisheries for flatfish, "DAP other fisheries", joint venture processing (JVP) fisheries for flatfish, and "JVP other fisheries." Each of the 20 PSC allowances prescribed for the 1990 groundfish fisheries was published in the initial specifications notice for 1990 for the BSAI area (55 FR 1434, January 16, 1990).

Under authority of § 675.21(a)(5), the secondary PSC limit of Pacific halibut caught while conducting any domestic fishery for groundfish in the BSAI during any fishing year is an amount of Pacific halibut equivalent to 5,333 mt. The secondary PSC allowance for Pacific halibut in the BSAI area for the DAP flatfish fisheries is 567 mt. The PSC limits were apportioned by the Secretary, after consultation with the North Pacific Fishery Management Council (Council) and under the authority of § 675.21(b)(1), into PSC allowances that are assigned to specified fisheries according to anticipated incidental catches of prohibited species during the fishing year. PSC limits are determined through the use of a mathematical prediction procedure based on statistical information derived from fishery performance in previous years and expectations of projected performance of the fisheries.

The directed DAP flatfish fishery in the entire BSAI area was closed on March 19, 1990, (55 FR 10779, March 23, 1990), when the secondary halibut PSC limit of 567 mt was projected to have been reached. Further analysis of the data indicated that approximately 46 mt of halibut PSC remained for bycatch purposes. The directed DAP flatfish fishery was reopened in the BSAI

outside of Zones 1 and 2H on August 4, 1990 (55 FR 31392, August 2, 1990).

#### Closure

The Regional Director has determined that the secondary DAP flatfish fisheries PSC allowance of Pacific halibut in the BSAI area will be reached by November 16, 1990. Under regulations implementing Amendment 12a, when the secondary PSC allowance for Pacific halibut for the DAP flatfish fisheries is reached, the entire BSAI area is closed to further directed fishing for flatfish by DAP vessels. Therefore, the Secretary, by this notice and under authority of § 675.21(c)(1)(iv), prohibits for the remainder of the fishing year, directed fishing for yellowfin sole, rock sole, and "other flatfish" in the aggregate in the entire BSAI area by U.S. fishing vessels that process the catch on board or deliver it to U.S. fish processors. A vessel is engaged in directed fishing for yellowfin sole, rock sole, and "other flatfish" in the aggregate if it retains at any particular time during a trip an amount of these species caught using trawl gear that is equal to or greater than 20 percent of the aggregate catch of the other fish or fish products retained at the same time on the vessel during the same trip.

#### Classification

The total annual PSC allowance of Pacific halibut established for vessels involved in the directed DAP flatfish fishery in the BSAI has been reached. Unless this notice takes effect promptly, bycatch and wastage of the halibut resource will occur in excess of specified PSC allocations.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest, and its effective date should not be delayed.

This action is taken under § 675.21 and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Part 675

Fish, Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801, *et seq.*

Dated: November 15, 1990.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-27343 Filed 11-15-90; 4:04 pm]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 55, No. 225

Wednesday, November 21, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 733

#### Political Activity of Federal Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) proposes to grant Federal Government employees in Frederick County, Maryland, a partial exemption from the political activity restrictions of 5 U.S.C. 7324. This proposal reflects OPM's determination that Frederick County meets the criteria described in 5 U.S.C. 7327 and 5 CFR 733.124(b) for a partial exemption to issue.

**DATES:** Written comments must be received on or before January 22, 1991.

**ADDRESSES:** Comments may be mailed to Jaime Ramon, General Counsel, room 7355, United States Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Jo-Ann Chabot, (202) 606-1920.

**SUPPLEMENTARY INFORMATION:** The Hatch Act, at 5 U.S.C. 7324 *et seq.*, controls the political activity of Federal employees and individuals employed by the District of Columbia. Section 7324 of 5 U.S.C. generally prohibits Federal employees from taking an active part in political campaigns. Section 7327 of 5 U.S.C., however, authorizes OPM to prescribe regulations permitting certain Federal employees to be politically active to the extent OPM considers it to be in their domestic interest.

Under the authority of 5 U.S.C. 7327, OPM may allow Federal employees to participate in political campaigns involving the municipality or political subdivision in which they reside when two conditions relevant to the current request for exemption exist. One condition is met if the municipality is in Maryland or Virginia and is in the

immediate vicinity of the District of Columbia. The second condition is met if OPM determines that, because of special or unusual circumstances, the domestic interest of the employees is served by permitting their political participation in accordance with regulations prescribed by OPM.

In regulations at 5 CFR 733.124(b), OPM has designated municipalities and political subdivisions in which Federal employees may participate in local elections. At 5 CFR 733.124(c), OPM has established the following limitations on political participation by employees residing in these designated municipalities and subdivisions:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, and independent candidate.

(2) Candidacy for, and service in, an elective office shall not result in neglect of, or interference with, the performance of the duties of the employees or create a conflict or apparent conflict of interest.

In response to a request from two Federally employed residents of Frederick County, Maryland, OPM proposes to designate that county as one in which Federal employees may participate in local elections subject to the limitations established by OPM. This proposal reflects OPM's determination that special or unusual circumstances exist so that it is in the domestic interest of Federal employees residing in Frederick County to permit their local political participation in connection with independent candidacies. This determination is based on documentary material provided by the applicants as well as interviews of the applicants and some county officials. Principal factors leading to OPM's determination are the proximity of Frederick County to the District of Columbia, the substantial portion of County residents who are Federal Government employees, and the rapid growth and increasing suburbanization of the County within the past few years.

A copy of this notice will be published in a local newspaper serving Frederick County.

If this proposed rule is adopted, OPM will amend 5 CFR 733.124(b) by adding Frederick County to the list of designated Maryland municipalities and political subdivisions in which Federal Government employees may participate

in connection with independent candidates in local elections. The addition of Frederick County will be listed after Forest Heights and before Garrett Park, Maryland.

#### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities, because the changes will affect only employees of the Federal Government.

#### List of Subjects in 5 CFR Part 733

Political activities (Government employees).

U.S. Office of Personnel Management.

Constance Berry Newman,  
Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 733 as follows:

#### PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

1. The authority citation for part 733 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 7301, 7321, 7322, 7323, 7324, 7325, and 7327; Reorganization Plan No. 2 of 1978, 3 CFR 1978 Comp. p. 323; and E.O. 12107, 3 CFR 1978 Comp. p. 264, unless otherwise noted.

2. Section 733.124(b) is amended by adding Frederick County, Maryland, alphabetically to the list of designated Maryland municipalities and political subdivisions as set forth below.

§ 733.124 Political management and political campaigning; exception of certain elections

\* \* \* \* \*

(b) \* \* \*

In Maryland

\* \* \* \* \*

Frederick County

\* \* \* \* \*

[FR Doc. 90-27437 Filed 11-20-90; 8:45 am]

BILLING CODE 5325-01-M



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 90-NM-196-AD]

**Airworthiness Directives; Boeing Model 737-300 Series Airplanes Equipped With CFM International CFM56-3 Series Engines****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 737-300 Series airplanes, which currently requires deletion of the paragraph from the FAA-Approved Airplane Flight Manual (AFM) which permits operation over a route that contains a point farther than one hour flying time at normal one-engine inoperative cruise speed (in still air) from an adequate airport in deviation from Section 121.161 of the Federal Aviation Regulations (FAR), referred to as Extended Range Operation with Twin Engine Airplanes or "ETOPS" operation. This action would provide optional airplane/engine modifications which, if accomplished, would allow reinstatement of certain Model 737-300 series airplanes for ETOPS operation.

**DATES:** Comments must be received no later than December 26, 1990.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-196-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (202) 227-2681. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such

written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-196-AD." The post card will be date/time stamped and returned to the commenter.

**Discussion**

On June 12, 1989, the FAA issued AD 89-13-06, Amendment 39-6247 (54 FR 26019, June 21, 1989), to require deletion of the AFM paragraph that permits operation over a route that contains a point farther than one hour flying time at the normal one-engine inoperative cruise speed (in still air) from an adequate airport in deviation from § 121.161 of the Federal Aviation Regulations (FAR), referred to as "ETOPS" operation. That action was prompted by the second of four engine flameout incidents involving Model 737-300 series airplanes equipped with CFM56-3 series engines, while descending through adverse weather. Two of these four incidents involved both engines failing, with one of these dual engine events (the reference incident) resulting in an off-field "dead stick" landing. This condition, if not corrected, could result in loss of engine thrust, and prevent the continued safe flight and landing of the airplane.

Since issuance of that AD, the FAA has issued several AD's applicable to these Model 737-300 airplanes which require the following actions:

1. Activation of dual continuous ignition—Both engines' ignition systems in the "flight" position in adverse weather;

2. The installation of a flight compartment instrument panel placard requiring flightcrews to operationally maintain a minimum engine power setting of 45% N.

3. Incorporation of a 45% N, reminder circuit—airframe electrical modification which activates a master caution light when item 1. is initiated and item 2. is violated.

4. Elimination of the low approach idle in-flight-airframe/engine electrical modification that inhibits low idle capability for all phases of flight.

5. Incorporation of the cutback splitter and 12 door VBV engine hardware modification.

6. For operation in known or forecasted rain, hail, or sleet, notwithstanding the Master Minimum Equipment List (MMEL), a requirement that the following items must be operable for dispatch:

a. Weather radar.

b. Engine ignition systems—both left and right engines.

Additionally, Boeing Commercial Airplane Group (Boeing) and CFM International (CFMI) have completed an airplane inclement weather study, together with the Alberta Research Council and the Groupement National d'Etudes des Fleaux Atmosphériques. The results of a study of storm intensity in more than 700 rain and hail storms that occurred throughout North America and Europe, was submitted to an Aerospace Industries Association (AIA) review committee. This data was used by the AIA to establish an industry-wide natural weather threat definition. In conjunction with the study above, Boeing and CFMI tested the modified CFM56-3 series engine (with the modifications listed above), both in flight and on the ground, to the natural weather threat levels defined by the AIA committee.

The ETOPS configuration is identified in Boeing Document D6-38123, "Configuration, Maintenance, and Procedures for Extended Range (ER) Operation," Revision A, dated September 14, 1990, by reference documentation and revision level, which establishes a minimum standard for ER operation. The reference documentation is identified for each extended range related item, usually in terms of Boeing or supplier service bulletins or service letters.

Based on a service history of over 5.5 million engine flight hours since the modifications and operational procedures previously mentioned were implemented, and the successful completion of flight and ground engine testing to the AIA natural weather



threat definition, the FAA has determined that a sufficient increase in the level of safety has been achieved to warrant reinstatement of ETOPS type design approval for the Model 737-300.

Since other airplanes of the same type design may be operated safely in ETOPS once the specific modifications are incorporated, an AD is proposed which would supersede AD 89-13-06 with a new airworthiness directive that would provide optional airplane/engine modifications, which, if installed, would allow reinstatement of ETOPS operation for Model 737 series airplanes equipped with CFM56-3 series engines.

There are approximately 625 Model 737-300 series airplanes of the affected design in the worldwide fleet. It is estimated that 370 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$14,800.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-6247 (54 FR 26019, June 21, 1989), AD 89-13-06, with the following new airworthiness directive:

**Boeing:** Applies to Model 737-300 series airplanes, equipped with CFM56-3 series engines, certificated in any category. Compliance required as indicated, unless previously accomplished.

To reduce the risk of total engine thrust loss due to unavoidable severe weather penetration during an ETOPS single engine diversion, accomplish the following:

A. Within the next 30 days after June 12, 1989 (the effective date of Amendment 39-6247), delete, from the FAA-approved Airplane Flight Manual (AFM), any reference to approval, or suitability of the Model 737-300 airplane for use in extended range operation. This may be accomplished by replacing the existing AFM page(s) containing the Extended Range Operations suitability statement with a page(s) which has this statement deleted. If the existing AFM does not contain such a statement, then no action is necessary.

B. A new AFM ETOPS suitability statement, outlined below, may be inserted into the FAA-approved AFM, when the airplane has been configured in accordance with the, Boeing Document D6-38123, Revision A., dated September 14, 1990, "Configuration, Maintenance and Procedures for Extended Range Operation" (CMP):

#### Extended Range Operations

The type design reliability and performance of this airplane/engine combination has been evaluated in accordance with FAA Advisory Circular 120-42A and found suitable for extended range operations when configured in accordance with FAA-approved Boeing Document D6-38123, Revision A., dated September 14, 1990, "Configuration, Maintenance and Procedures for Extended Range (ER) Operation." This finding does not constitute approval to conduct extended range operations.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

**Note:** The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

**Note:** All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on November 8, 1990.

**Darrell M. Pederson,**  
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 90-27405 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1502

#### Procedures for Formal Evidentiary Public Hearing

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In certain circumstances, when the Commission is promulgating a rule under the Federal Hazardous Substances Act ("FHSA") or the Poison Prevention Packaging Act ("PPPA"), a further step in addition to the Commission's usual rulemaking procedure may be necessary. In these situations, the proceeding will be governed by the provisions of section 701 (e) through (g) of the Federal Food, Drug and Cosmetic Act ("FDCA"). Section 701(e) of the FDCA provides that, once a final rule is issued, interested persons have a period of 30 days in which to file objections to the final rule and to request a public hearing upon these objections.

Because the FHSA and the PPPA were previously administered by the Food and Drug Administration ("FDA"), the FDA's procedural rules for the conduct of a 701(e) hearing apply to such a hearing conducted by the Commission under the FHSA and the PPPA. The Commission is today initiating rulemaking to establish its own procedural rules, based on those currently in use by the FDA, for conducting a formal evidentiary public hearing when such a hearing is provided for under the FHSA or the PPPA or when the Commission determines that such a hearing is in the public interest. The Commission is also proposing to withdraw 16 CFR 1500.201, which restated the statutory requirements for such hearings.



**DATES:** Comments on the proposed rule should be received by the Commission no later than December 21, 1990.

**ADDRESSES:** Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 528, 5401 Westbard Avenue, Bethesda, Maryland 20816; telephone (301) 492-6800.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Pollitzer, Office of General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6980.

**SUPPLEMENTARY INFORMATION:**

**A. Background and Introduction**

*(1) The FHSA and the PPPA*

When Congress created the Commission in 1973, the Consumer Product Safety Act ("CPSA") transferred authority to the Commission to administer four other statutes previously administered by other agencies. 15 U.S.C. 2079(a). Among those transferred statutes were the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. 1261 *et seq.*, and the Poison Prevention Packaging Act ("PPPA"), 15 U.S.C. 1471 *et seq.* The FHSA and the PPPA had been administered by the Food and Drug Administration ("FDA") of the then-Department of Health, Education, and Welfare prior to the transfer.

The FHSA provides for a formal public evidentiary hearing pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. 371, in three instances:

(1) When the Commission issues, amends, or repeals regulations to classify a hazardous substance intended for household use as a "banned hazardous substance" in accordance with section 2(q)(1)(B) of the FHSA, 15 U.S.C. 1261(q)(2);

(2) When the Commission decides, pursuant to section 3(a) of the FHSA, to issue, amend, or repeal a regulation that declares that a substance or mixture is a hazardous substance as defined by section 2(f)(1)(A) of the FHSA, 15 U.S.C. 1262(a)(2); and

(3) When the Commission elects to follow the procedures prescribed by section 701(e) of the FDCA in determining that a toy or other article intended for children presents an electrical, mechanical, or thermal hazard, 15 U.S.C. 1262(e)(1).

The PPPA provides, in section 5, that the Commission may elect to follow FDCA's section 701(e) procedures when the Commission issues, amends, or

repeals a regulation that prescribes a standard under section 3 of the PPPA. 15 U.S.C. 1474(a).

The first situation encountered under the FHSA in which 701(e) procedures may apply, that of the classification of a hazardous substance intended for household use as a banned hazardous substance under section 2(q)(1)(B) of the FHSA, occurs when the Commission proceeds on the basis that, notwithstanding the precautionary labeling required by the FHSA, the substance presents such a hazard that keeping the substance out of interstate commerce is the only adequate means of protecting the public. 15 U.S.C. 1261(q)(1)(B).

The second situation in which 701(e) procedures may apply under the FHSA occurs when the Commission determines, in its discretion, to declare by regulation that a substance or mixture that the Commission finds meets the requirements of section 2(f)(1)(A) of the FHSA is a "hazardous substance." 15 U.S.C. 1262(a)(1). Section 2(f)(1)(A) defines a hazardous substance as "[a]ny substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." 15 U.S.C. 1261(f)(1)(A). For a substance to be considered a hazardous substance under this provision it is not necessary for the Commission to act by regulation to declare it a hazardous substance. However, if the Commission determines that issuing such a regulation "will promote the objectives of (the FHSA) by avoiding or resolving uncertainty as to its application," the Commission may issue a regulation declaring such a substance to be a hazardous substance. 15 U.S.C. 1262(a)(1).

The third situation which may involve use of 701(e) procedures under the FHSA arises if the Commission chooses to follow the procedures described in section 701(e) of the FDCA to make a determination that a toy or other article intended for children presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1262(e)(1). The FHSA provides that, ordinarily, such a determination is to be made according to notice and comment rulemaking procedures described in section 4 of the Administrative Procedure Act ("APA"), 5 U.S.C. 553 (as modified by the

procedures described in section 3(f)-(i) of the FHSA, 15 U.S.C. 1262(f)-(i)). However, the Commission may elect to follow the 701(e) hearing procedures. 15 U.S.C. 1262(e)(1).

With respect to the PPPA, section 5 of that act permits the Commission to elect to follow 701(e) procedures to issue, amend, or repeal a regulation prescribing a standard under section 3 of the PPPA, instead of following the notice and comment rulemaking procedures of the APA, 5 U.S.C. 553. 15 U.S.C. 1474(a). Section 3 authorizes the Commission to establish standards for the special packaging of household substances if certain findings are made. 15 U.S.C. 1472(a).

*(2) The Provisions of Section 701(e)-(g) of the FDCA*

Once the Commission finalizes a rule under any of these provisions of the FHSA or the PPPA, the procedures of section 701(e) of the FDCA may apply. These procedures provide that when the Commission issues a final rule (called a "final order" in the FDCA), interested persons have a period of thirty (30) days in which to file objections stating reasonable grounds therefor, and to request a public hearing on those objections. The filing of objections stays the implementation of those provisions to which objections are directed. 21 U.S.C. 371(e)(2). After the hearing, the presiding officer issues an order, based upon substantial evidence. 21 U.S.C. 371(e)(3). A person who is adversely affected by a final order on the objections may file a petition for review with the appropriate United States court of appeals. 21 U.S.C. 371(f). Section 701(g) provides for supplying the transcript of the hearing to interested parties upon request. 21 U.S.C. 371(g).

*(3) Existing Rules Governing 701(e) Proceedings*

At the time the FHSA and the PPPA were transferred to the Commission, FDA had issued rules governing the procedure for 701(e) hearings. 21 CFR 2.51-2.104(1973). Congress provided that regulations in effect at the time the FHSA and the PPPA were transferred continue in effect until they are modified, superseded, set aside, or repealed by the Commission, a court, or operation of law. 15 U.S.C. 2079(e)(2). Currently, any 701(e) type of proceeding that the Commission would conduct would be governed by the FDA's procedural rules as they existed at the time of transfer. The procedural rules proposed today would supersede the FDA regulations (21 CFR 2.51-2.104 (1973)) that were in existence at the time



the FHSA was transferred to the Commission, insofar as those rules still apply to the Commission by virtue of 15 U.S.C. 2079(e)(2).

Section 1500.201 of the Commission's existing regulations essentially restates the FHSA's statutory provisions concerning 701(e) proceedings. The regulations proposed today will go beyond these existing regulations, and expand on the procedures for such hearings. The existing regulations also restate the statutory language in section 2(q)(2) of the FHSA concerning hazardous substances that present an imminent hazard. The Commission is proposing to withdraw 16 CFR 1500.201 because these regulations will be repetitious and unnecessary with promulgation of new regulations at part 1502.

#### (4) The Proposed Procedures for 701(e) Hearings

The Commission is proposing to issue regulations that would specify the procedures for formal evidentiary public hearings, such as hearings required under section 701(e) of the FDCA. These proposed regulations are drawn substantially from the procedures FDA now follows in a 701(e) procedure, codified at 21 CFR part 12.

In 1986, the Commission proposed substantially the same procedures as are being proposed today. The procedures were proposed in connection with a proposed rule to declare household products containing methylene chloride "hazardous substances." 51 FR 29778 (August 20, 1986). Appendix 2 of that proposed rule contained proposed procedures for a public hearing on objections. These procedures were proposed for use only if a public hearing were held on objections to the proposed rule to declare household products containing methylene chloride to be hazardous substances. The proposed rule on methylene chloride was never issued, and the procedural regulation concerning a hearing on objections to such a rule was never issued or used. The Commission received no comments concerning the proposed procedural rules for the rulemaking on methylene chloride.

Today, the Commission is proposing procedural rules that would govern all formal evidentiary public hearings when 701(e) type proceedings are followed. These procedures would be used in connection with formal rulemaking. The Commission's rules for adjudicative proceedings set forth at 16 CFR part 1025 would not be affected by these proposed procedures and would still apply to any adjudicative proceedings.

#### B. Summary of Proposed Rule

Subpart A of the proposed rule contains general provisions describing the scope of the procedures, the method for computation of time, the procedures for treatment of confidential information, and the address of the Commission's Office of the Secretary. The scope section provides that the procedures apply when a person has a right to an opportunity for a hearing under sections 2(q)(1)(B) or 3(a) of the FHSA and section 701(e) of the FDCA, or when the Commission elects to hold a hearing under section 3(e) of the FHSA or section 5(a) of the PPPA and section 701(e) of the FDCA. The procedures may also apply when the Commission concludes that a formal evidentiary public hearing on a matter before it is in the public interest.

Subpart B describes details concerning the initiation of proceedings to which these rules apply. Section 1502.5 explains that a person may file written objections to a final regulation to which this procedure applies on or before the 30th day of publication of the final rule. Section 1502.6 describes the form which objections and requests for a hearing must take when filed with the Office of the Secretary. Section 1502.7 provides that the Commission will publish a notice in the *Federal Register* after the time for filing objections has expired, which notice will state either that no objections have been filed, or will specify the parts of the regulation that have been stayed by the filing of proper objections. Section 1502.8 describes the situations in which the Commission will grant a request for a hearing.

Section 1502.9 provides that the Commission will promptly publish a notice in the *Federal Register* if it determines that the regulation at issue should be modified or revoked. Section 1502.10 provides that if the Commission determines to deny a request for a hearing, in whole or in part, it will publish a notice in the *Federal Register*. Section 1502.10 further specifies the required contents of such a notice, describes what constitutes the record of the Commission's denial of a hearing, and explains that denial of a request for a hearing is reviewable in the courts. Section 1502.11 explains that a person may submit objections and waive the right to a hearing. Section 1502.12 describes the procedure by which a person with a right to request a formal hearing may waive that right and request an alternative form of hearing under 16 CFR part 1052. Section 1502.13 specifies the contents of a notice declaring that a hearing is justified, and

explains that a hearing is deemed to begin on the date of publication of the notice of hearing. Section 1502.14 explains that if no objections are filed and no hearing is requested, the regulation is effective on the date specified in the regulation as promulgated, and that the Commission will publish a notice confirming that date.

Subpart C provides that a person who wishes to appear in any hearing should file a notice of participation. This subpart also describes the contents of a notice of appearance, and explains the parameters for Commission advice and communication on public participation in hearings (including *ex parte* communications).

Subpart D explains that the presiding officer will be an administrative law judge, describes the powers of the presiding officer, and explains the circumstances in which the presiding officer may withdraw from the proceeding.

Subpart E describes the hearing procedures. Section 1502.23 specifies the procedures for the filing and service of submissions. Section 1502.24 describes the procedure for submitting a petition to participate *in forma pauperis*. Section 1502.25 describes the data and information to be relied upon by the participants in the hearing. Section 1502.26 describes the procedure for direct testimony, explains when oral cross-examination will be permitted, and provides that the proponent of a substitute provision has the burden of proof in relation to the new provision. Section 1502.27 describes the activities permitted and prohibited for nonparty participants. Section 1502.28 describes acceptable conduct for participants in oral hearings and conferences. Section 1502.29 provides for notice of the time and place of a prehearing conference. Section 1502.30 describes the procedure for a prehearing conference. Section 1502.31 provides that after a hearing has commenced, a participant may move for a summary decision on any issue in the hearing, describes the circumstances in which the presiding officer will grant such a motion, and specifies the papers which should be submitted in support of, or in opposition to, such a motion. Section 1502.32 describes the contents of the administrative record of the hearing, and describes the evidence and testimony that are admissible. Section 1502.33 explains when official notice may be taken. Section 1502.34 explains the procedure for filing briefs, and the contents of briefs and arguments. Section 1502.35 describes the circumstances in which an interlocutory



appeal from a ruling of the presiding officer may be made to the Commission, and the procedure for filing such an appeal. Section 1502.36 provides for the compilation of an official transcript of the hearing. Section 1502.37 describes the procedure for filing motions.

Subpart F describes the contents of the administrative record of a hearing, and provides for public availability of documents.

Subpart G provides for an initial and final decision in a hearing. Section 1502.40 requires the presiding officer to file an initial decision, describes the contents of the initial decision, and provides that the initial decision becomes the final decision of the Commission unless a participant files exceptions, or the Commission files a notice of review. Section 1502.41 provides for a participant to appeal an initial decision to the Commission by filing exceptions (within 30 days) that specifically identify alleged errors in the initial decision, and provides for the Commission to file a notice to review an initial decision. Section 1502.42 explains the powers of the Commission on appeal or review of an initial decision. Section 1502.43 provides for a participant to petition the Commission for reconsideration of part or all of its decision, or for a stay of its decision.

Subpart H provides for judicial review of the Commission's final decision, and requires a participant to first submit a petition for stay of action before requesting a court to stay the Commission's action pending judicial review.

#### C. Effects on Small Businesses and Other Small Entities

The Regulatory Flexibility Act requires the Commission to consider the effect the proposed rule would have on small entities. The proposed rule specifies detailed procedures for formal evidentiary public hearings when such hearings are required under the FHSA or the PPPA and the FDCA, or when the Commission concludes that such a hearing is in the public interest. It is possible that a small entity may be involved in such a public hearing and would be required to follow the procedures proposed. Participation in such a hearing under the proposed procedures may require the preparation of a substantial number of documents, and may require the expenditure of time and money in this preparation. The proposed rules do provide for proceeding *in forma pauperis*. This may alleviate the burden of preparation in some instances.

The Commission is not proposing new instances in which a formal evidentiary

hearing would be held, but is simply specifying in greater detail the procedures that would be required when such a hearing is provided for in the FHSA or the PPPA. Thus, this proposal would not place an additional burden on small entities, but explains in greater detail the procedures that would be required when such a hearing is held.

#### D. Environmental Considerations

The proposed regulation concerns only procedural rules for the conduct of a formal evidentiary public hearing. The Commission finds that the proposed rule has no potential for affecting the human environment. Thus, the Commission finds that no environmental assessment or environmental impact statement would be required.

#### List of Subjects in 16 CFR Part 1502

Administrative practice and procedure; Consumer protection.

For the reasons set forth in the preamble, the Consumer Product Safety Commission is proposing to amend title 16, chapter II, as follows:

#### PART 1500—[AMENDED]

1. The authority citation for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1276.

##### § 1500.201 [Removed]

- 1a. Section 1500.201 is removed.
2. Part 1502 is added to read as follows:

#### PART 1502—PROPOSED PROCEDURES FOR FORMAL EVIDENTIARY PUBLIC HEARING

##### Subpart A—General Provisions

Sec.

- 1502.1 Scope.
- 1502.2 Computation of time periods.
- 1502.3 Confidential information.
- 1502.4 Office of the Secretary.

##### Subpart B—Initiation of Proceedings

- 1502.5 Initiation of a hearing involving the issuance, amendment, or revocation of a regulation.
- 1502.6 Filing objections and requests for a hearing on a regulation.
- 1502.7 Notice of filing of objections.
- 1502.8 Ruling on objections and requests for hearing.
- 1502.9 Modification or revocation of regulation or order.
- 1502.10 Denial of hearing in whole or in part.
- 1502.11 Judicial review after waiver of hearing on a regulation.
- 1502.12 Request for alternative form of hearing.
- 1502.13 Notice of hearing; stay of action.
- 1502.14 Effective date of regulation when no objections are filed.

##### Subpart C—Appearance and Participation

- 1502.15 Appearance.
- 1502.16 Notice of participation.
- 1502.17 Advice on public participation in hearings.

##### Subpart D—Presiding Officer

- 1502.18 Presiding Officer.
- 1502.19 Commencement of functions.
- 1502.20 Authority of presiding officer.
- 1502.21 Disqualification of presiding officer.
- 1502.22 Unavailability of presiding officer.

##### Subpart E—Hearing Procedures

- 1502.23 Filing and service of submissions.
- 1502.24 Petition to participate *in forma pauperis*.
- 1502.25 Disclosure of data and information to be relied on by the participants.
- 1502.26 Purpose; oral and written testimony; burden of proof.
- 1502.27 Participation of nonparties.
- 1502.28 Conduct at oral hearings or conferences.
- 1502.29 Time and place of prehearing conferences.
- 1502.30 Prehearing conference procedure.
- 1502.31 Summary decisions.
- 1502.32 Receipt of evidence.
- 1502.33 Official notice.
- 1502.34 Briefs and arguments.
- 1502.35 Interlocutory appeal from ruling of presiding officer.
- 1502.36 Official transcript.
- 1502.37 Motions.

##### Subpart F—Administrative Record

- 1502.38 Administrative record of a hearing.
- 1502.39 Examination of record.

##### Subpart G—Initial and Final Decision

- 1502.40 Initial decision.
- 1502.41 Appeal from or review of initial decision.
- 1502.42 Decision by Commission on appeal or review of initial decision.
- 1502.43 Reconsideration and stay of Commission's action.

##### Subpart H—Judicial Review

- 1502.44 Review by the courts.
- 1502.45 Copies of petitions for judicial review.

Authority: 15 U.S.C. 1261(q)(1)(B), 1262(a), 1262(e), 1269(a); 15 U.S.C. 1474(a); 21 U.S.C. 371(e)–(g).

##### Subpart A—General Provisions

##### § 1502.1 Scope.

The procedures in this part apply when—

(a) A person has a right to an opportunity for a hearing under section 2(q)(1)(B) or 3(a) of the Federal Hazardous Substances Act ("FHSA") and 701(e) of the Federal Food, Drug, and Cosmetic Act ("FDCA") (15 U.S.C. 1261 (q)(1)(B) and 1261(a), and 21 U.S.C. 371(e));

(b) The Commission elects to hold a hearing under 3(e)(1) of the FHSA or 5 of the Poison Prevention Packaging Act ("PPPA") and 701(e) of the FDCA (15



U.S.C. 1262(e)(1) and 1474(a), and 21 U.S.C. 371(e); or

(c) The Commission concludes that it is in the public interest to hold a formal evidentiary public hearing on any matter before it in such a proceeding.

#### § 1502.2 Computation of time periods.

Whenever a time period for taking action is specified by these procedures, by the presiding officer, or by the Commission, Saturdays, Sundays, and Federal holidays are included in computing time. However, if the last day for taking such action falls on a Saturday, Sunday, or Federal holiday, the action shall be timely if taken on or before the next Federal Government business day.

#### § 1502.3 Confidential information.

Whenever any participant desires or is required to submit information in any proceeding under this part 1502, and the participant believes that such information consists of trade secrets or other confidential business or financial information that should not be disclosed publicly, the participant may, instead of submitting such information, file a motion for a protective order containing a general description of the information desired to be withheld, together with a detailed argument supporting the claim that the information should be held in confidence.

#### § 1502.4 Office of the Secretary.

(a) The mailing address of the Commission's Office of the Secretary is: Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

(b) The address for delivery to the Office of the Secretary is: Office of the Secretary, room 510, 5401 Westbard Avenue, Bethesda, Maryland 20816.

(c) The telephone number of the Office of the Secretary is (301) 492-6800.

### Subpart B—Initiation of Proceedings

#### § 1502.5 Initiation of a hearing involving the issuance, amendment, or revocation of a regulation.

(a) The Federal Register notice promulgating the final regulation will describe how to submit objections and requests for hearings.

(b) On or before the 30th day after the date of publication of a final regulation in the Federal Register, a person may file written objections, with or without a request for a hearing, with the Commission. The 30-day period may not be extended, except that additional information supporting an objection may be received after 30 days upon a showing of inadvertent omission or for other good cause shown, if

consideration of the additional information will not delay review of the objection and request for hearing.

#### § 1502.6 Filing objections and requests for a hearing on a regulation.

(a) Objections and requests for a hearing under § 1502.5(a) must be filed with the Office of the Secretary and will be accepted for filing if they meet the following conditions:

(1) They are submitted within the time specified in § 1502.5(b).

(2) Each objection is separately numbered.

(3) Each objection specified with particularity the provision(s) of the regulation to which the objection is directed.

(4) Each objection on which a hearing is requested specifically requests a hearing. Failure to request a hearing on an objection constitutes a waiver of the right to a hearing on that objection.

(5) Each objection for which a hearing is requested includes a detailed description of the basis for the objection and the factual information or analysis in support thereof. Failure to include a description and analysis for an objection constitutes a waiver of the right to a hearing on that objection. The description and analysis may be used only for the purpose of determining whether a hearing has been justified under § 1502.8, and do not limit the evidence that may be presented if a hearing is granted.

(i) A copy of any report, article, survey, or other written document relied upon must be submitted, unless the document is—

(A) A CPSC document that is routinely publicly available; or

(B) A recognized medical or scientific textbook or journal in the public domain.

(ii) A summary of the non-documentary testimony to be presented by any witnesses relied upon must be submitted.

(b) If an objection or request for a public hearing fails to meet the requirements of this section the Office of the General Counsel shall notify the Office of the Secretary of the deficiency. The Office of the Secretary shall return it with a copy of the applicable regulations, indicating those provisions not complied with. A deficient objection or request for a hearing may be supplemented and subsequently filed if submitted within the 30-day time period specified in § 1502.5(b).

(c) If another person objects to a regulation issued in response to a petition, the petitioner may submit a written reply to the Office of the

Secretary on or before the 15th day after the last day for filing objections.

#### § 1502.7 Notice of filing of objections.

As soon as practicable after the expiration of the time for filing objections to and requests for hearing on agency action involving the issuance, amendment, or revocation of a regulation under the FHSA or the PPPA and 701(e) of the Federal Food, Drug, and Cosmetic Act, the Commission shall publish a notice in the Federal Register specifying those parts of the regulation that have been stayed by the filing of proper objections and, if no objections have been filed, stating that fact. The notice does not constitute a determination that a hearing is justified on any objections or requests for hearing that have been filed. When to do so will cause no undue delay, the notice required by this section may be combined with the notices described in §§ 1502.10 and 1502.13.

#### § 1502.8 Ruling on objections and requests for hearing.

(a) As soon as practicable, the Commission will review all objections and requests for hearing filed under § 1502.6 and determine—

(1) Whether the regulation should be modified or revoked under § 1502.9; and

(2) Whether a hearing has been justified.

(b) A request for a hearing will be granted if the material submitted shows the following:

(1) There is a genuine and substantial issue of fact for resolution at a hearing. A hearing will not be granted on issues of policy or law.

(2) The factual issue can be resolved by available and specifically identified reliable evidence. A hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions.

(3) The data and information submitted, if established at a hearing, would be adequate to justify resolution of the factual issue in the way sought by the person. A hearing will be denied if the Commission concludes that the data and information submitted, even though accurate, are insufficient to justify the factual determination urged.

(4) Resolution of the factual issue in the way sought by the person is adequate to justify the action requested. A hearing will not be granted on factual issues that are not determinative with respect to the action requested, e.g., if the Commission concludes that the Commission's action would be the same even if the factual issue were resolved in the way sought, or if a request is



made that a final regulation include a provision not reasonably encompassed by the proposal.

(5) The action requested is not inconsistent with any provision in the FHSA or any regulation in 16 CFR subchapter C explaining or particularizing the requirements of the FHSA.

(6) The requirements in other applicable regulations, and in the notice promulgating the final regulation or the notice of opportunity for hearing are met.

(c) In making the determinations specified in paragraph (a) of this section, the Commission may issue an appropriate order on the determinations without further notice or opportunity for comment from interested parties. However, the Commission, at its option, may use the procedure specified in 16 CFR part 1052 or any other applicable public procedure available to it.

(d) If it is uncertain whether a hearing has been justified under the principles in paragraph (b) of this section, and the Commission concludes that summary decision against the person requesting a hearing should be considered, the Commission may serve upon the person by registered mail a proposed order denying a hearing. The person has 30 days after receipt of the proposed order to demonstrate that the submission justifies a hearing.

#### **§ 1502.9 Modification or revocation of regulation or order.**

If, upon review of an objection or request for hearing, the Commission determines that the regulation should be modified or revoked, the Commission will promptly take such action by notice in the *Federal Register*. Further objections to or requests for hearing on the modification or revocation may be submitted under §§ 1502.5 and 1502.6, but no further issue may be taken with other provisions in the regulation. Objections and requests for hearing that are not affected by the modification or revocation will remain on file and be acted upon in due course.

#### **§ 1502.10 Denial of hearing in whole or in part.**

(a) If the Commission determines upon review of the objections or requests for hearing that a hearing is not justified, in whole or in part, a notice of the determination will be published in the *Federal Register*.

(b) The notice will state whether the hearing is denied in whole or in part. If the hearing is denied in part, the notice will be combined with the notice of hearing required by § 1502.13, and will specify the objections and requests for

hearing that have been granted and denied.

(c) Any denial will be explained. A denial based on an analysis of the information submitted to justify a hearing will explain the inadequacy of the information.

(d) The notice will confirm, modify, or stay the effective date of the regulation involved.

(e) The record of the administrative proceeding relating to denial in whole or in part of a public hearing on an objection or request for hearing consists of the following:

(1) The entire rulemaking record;  
(2) The objections and requests for hearing filed by the Office of the Secretary; and

(3) The notice denying a formal evidentiary public hearing.

(f) The record specified in paragraph (e) of this section is the exclusive record for the Commission's decision on the complete or partial denial of a hearing. The record of the proceeding will be closed as of the date of the Commission's decision denying a hearing, unless another date is specified. A person who requested and was denied a hearing may submit a petition for reconsideration or a petition for stay of the Commission's action. A person who wishes to rely upon information or views not included in the administrative record shall submit them to the Commission with a petition to modify the final regulation.

(g) Denial of a request for a hearing in whole or in part is final agency action reviewable in the courts, under the statutory provisions governing the matter involved, as of the date of publication of the denial in the *Federal Register*.

(1) Before requesting a court for a stay of the Commission's action pending judicial review, a person shall first submit a petition to the Commission for a stay of action.

(2) The time for filing a petition for judicial review of a denial of a hearing on an objection or issue begins on the date the denial is published in the *Federal Register*. The failure to file a petition for judicial review within the period established in the statutory provision governing the matter involved constitutes a waiver of the right to judicial review of the objection or issue, regardless whether a hearing has been granted on other objections and issues.

#### **§ 1502.11 Judicial review after waiver of hearing on a regulation.**

(a) A person with a right to submit objections and a request for hearing under § 1502.5(a) may submit objections and waive the right to a hearing. The

waiver may be either an explicit statement, or a failure to request a hearing, as provided in § 1502.6(a)(4).

(b) If a person waives the right to a hearing, the Commission will rule upon the person's objections under §§ 1502.8 through 1502.10. As a matter of discretion, the Commission may also order a hearing on the matter.

(c) If the Commission rules adversely on a person's objection, the person may petition for judicial review in a U.S. court of appeals under the appropriate statute.

(1) The record for judicial review is the record designated in § 1502.10(e).

(2) The time for filing a petition for judicial review begins on the date of publication of the Commission's ruling on the objections in the *Federal Register*.

#### **§ 1502.12 Request for alternative form of hearing.**

(a) A person with a right to request a formal hearing may waive that right and request a hearing before the Commission under 16 CFR part 1052.

(b) The request—

(1) May be on the person's own initiative or at the suggestion of the Commission;

(2) Must be submitted by the person in the form of a petition before publication of a notice of hearing under § 1502.13 or a denial of hearing under § 1502.10; and

(3) Must be—

(i) In lieu of a request for a formal hearing under § 1502.5; or,

(ii) If submitted with or after a request for formal hearing, accompanied by a waiver of the right to a formal hearing, conditioned on the request for the alternative form of hearing. Upon acceptance by the Commission, the waiver becomes binding and may be withdrawn only by waiving any right to any form of hearing, unless the Commission determines otherwise.

(c) When more than one person requests and justifies a formal hearing under these procedures, an alternative form of hearing may be used only if all the persons concur and waive their right to request a formal hearing.

(d) The Commission will determine whether an alternative form of hearing should be used after considering the requests submitted and the appropriateness of the alternative hearing for the issues raised in the objections. The Commission's determination is binding unless, for good cause, the Commission subsequently determines otherwise.

(e) If the Commission determines that an alternative form of hearing will be used, the Commission will publish a



notice in the **Federal Register** setting forth the following information:

(1) A description of the regulation that is the subject of the hearing.

(2) A statement specifying any part of the regulation that has been stayed by operation of law or in the Commission's discretion.

(3) The time, date, and place of the hearing, or a statement that such information will be contained in a later notice.

(4) The parties to the hearing.

(5) The issues at the hearing. The statement of issues determines the scope of the hearing.

#### § 1502.13 Notice of hearing; stay of action.

(a) If the Commission determines upon review of the objections and requests for hearing that a hearing is justified on any issue, the Commission will publish a notice setting forth the following:

(1) A description of the regulation that is the subject of the hearing.

(2) A statement specifying any part of the regulation or order that has been stayed by operation of law or in the Commission's discretion.

(3) The parties to the hearing.

(4) The issues of fact on which a hearing has been justified.

(5) A statement of any objections or requests for hearing for which a hearing has not been justified, which are subject to § 1502.10.

(6) The presiding officer, or a statement that the presiding officer will be designated in a later notice.

(7) The time within which notices of participation should be filed under § 1502.16.

(8) The date, time, and place of the prehearing conference, or a statement that the date, time, and place will be announced in a later notice. The prehearing conference may not commence until after the time expires for filing the notice of participation required by § 1502.16(a).

(9) The time within which participants should submit written information and views under § 1502.25(b). Additional copies of material already submitted under § 1502.25 need not be included with any later submissions.

(10) The contents of the portions of the administrative record relevant to the issues at the hearing. Except for trade secret or other confidential information, the disclosure of which is prohibited by statute, the portions listed will be placed on public display in the Office of the Secretary before the notice is published.

(b) The statement of the issues determines the scope of the hearing and the matters on which evidence may be introduced. The issues may be revised

by the presiding officer. A participant may obtain interlocutory review by the Commission of a decision by the presiding officer to revise the issues to include an issue on which the Commission has not granted a hearing or to eliminate an issue on which a hearing has been granted.

(c) A hearing is deemed to begin on the date of publication of the notice of hearing.

#### § 1502.14 Effective date of regulation when no objections are filed.

(a) If no objections are filed and no hearing is requested on a regulation under § 1502.5, the regulation is effective on the date specified in the regulation as promulgated.

(b) The Commission shall publish a confirmation of the effective date of the regulation. The **Federal Register** document confirming the effective date of the regulation may extend the time for compliance with the regulation.

#### Subpart C—Appearance and Participation

##### § 1502.15 Appearance.

(a) A person who has filed a notice of participation under § 1502.16 may appear in person or by counsel or other representative in any hearing and, subject to § 1502.27, may be heard concerning all relevant issues.

(b) The presiding officer may strike a person's appearance for violation of the requirements regarding conduct in § 1502.28.

##### § 1502.16 Notice of participation.

(a) Within 30 days after publication of the notice of hearing under § 1502.13, a person desiring to participate in a hearing is to file with the Office of the Secretary a notice of participation in the following form:

(Date) \_\_\_\_\_

Office of the Secretary, Consumer Product Safety Commission, room 520, 5401 Westbard Ave, Bethesda, MD 20207

Notice of Participation

(Title of Regulation) \_\_\_\_\_

Docket No. \_\_\_\_\_

Please enter the participation of:

(Name) \_\_\_\_\_

(Street address) \_\_\_\_\_

(City, State, and Zip Code) \_\_\_\_\_

(Telephone number) \_\_\_\_\_

Service on the above will be accepted by:

(Name) \_\_\_\_\_

(City, State, and Zip Code) \_\_\_\_\_

(Telephone number) \_\_\_\_\_

The following statements are made as part of this notice of participation:

A. *Specific interests.* [A statement of the specific interest of the person in the

proceeding, including the specific issues of fact concerning which the person desires to be heard. This part need not be completed by a party to the proceeding.]

B. *Commitment to participate.* [A statement that the person will present documentary evidence or testimony at the hearing and will comply with the requirements of § 1502.25 of these procedures.]

(Signed) \_\_\_\_\_

(b) Any amendment to a notice of participation should be filed with the Office of the Secretary and served on all participants.

(c) No person may participate in a hearing who has not filed a written notice of participation or whose participation has been stricken under paragraph (e) of this section.

(d) The presiding officer may permit the late filing of a notice of participation upon a showing of good cause.

(e) The presiding officer may strike the participation of a person for nonparticipation in the hearing or for failure to comply with any requirement of this subpart, e.g., disclosure of information as required by § 1502.25 or the prehearing order issued under § 1502.30. Any person whose participation is stricken may petition the Commission for interlocutory review of that decision.

##### § 1502.17 Advice on public participation in hearings.

(a) All inquiries from the public about scheduling, location, and general procedures should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or telephone 301-492-6800.

(b) Requests by hearing participants for changes in the schedule of a hearing or for filing documents, briefs, or other pleadings should be made in writing directly to the presiding officer.

(c) Under no circumstances will the Office of the General Counsel of CPSC directly provide advice about a hearing to any person who is participating or may participate in the hearing. In every hearing, certain attorneys in the office are designated to represent the staff. Other members of the office, ordinarily including the General Counsel, are designated to advise the Commission on a final decision in the matter. It is not compatible with these functions, nor would it be professionally responsible, for the attorneys in the Office of the General Counsel also to advise other participants in a hearing, or for any attorney who may be called on to advise the Commission to respond to inquiries from other participants in the hearing; such participants may be urging views contrary to those of the staff involved or



to what may ultimately be the final conclusions of the Commission. Accordingly, members of the Office of the General Counsel, other than the attorneys responsible for representing the staff, will not answer questions about the hearing from any participant or potential participant.

(d) Participants in a hearing may communicate with the attorneys responsible for representing the staff, in the same way that they may communicate with counsel for any other party in interest about the presentation of matters at the hearing. It would be inappropriate to bar discussion of such matters as stipulations of fact, joint presentation of witnesses, or possible settlement of hearing issues. Members of the public, including participants at hearings, are advised, however, that all such communications, including those by telephone, will be recorded in memoranda that can be filed with the Office of the Secretary.

(e) Separation of functions and *ex parte* communications will be handled as follows.

(1) An interested person may meet or correspond with any CPSC representative concerning a matter prior to publication of a notice announcing a formal evidentiary public hearing on the matter. The provisions of 16 CFR part 1012 apply to such meetings.

(2) Upon publication of a notice announcing a formal evidentiary public hearing, the following rules concerning separation of functions apply:

(i) The CPSC staff members responsible for preparing evidence and participating in the hearing in the matter are, as a party to the hearing, responsible for all investigative functions and for presentation of the position of the staff at the hearing and in any pleading or oral argument before the Commission. These representatives of the staff may not participate or advise in any decision except as witnesses or counsel in public proceedings. Except as provided herein, there shall be no other communication between representatives of the staff and representatives of the various Commissioners' offices concerning the matter prior to the decision of the Commission. The Commission may, however, designate other representatives of the staff to advise the Commission. The designation will be in writing and filed with the Office of the Secretary no later than the time specified in paragraph (f)(2) of this section for the application of separation of functions. All employees of the CPSC other than representatives of the involved staff (except for those specifically designated otherwise) may be called upon to advise and participate

with the offices of the Commissioners in their functions relating to the hearing and the final decision.

(ii) The General Counsel of CPSC shall designate members of the Office of the General Counsel to advise and participate with the staff in its functions in the hearing and shall designate other members of the Office of the General Counsel to advise the offices of the Commissioners in their functions related to the hearing and the final decision. The members of the Office of the General Counsel designated to advise the staff may not participate or advise in any decision of the Commission except as counsel in public proceedings. The designation shall be in the form of a memorandum filed with the Office of the Secretary and made a part of the administrative record in the proceeding. There may be no other communication between those members of the Office of the General Counsel designated to advise the offices of the Commissioners and any other person in the Office of the General Counsel or in the involved staff with respect to the matter prior to the decision of the Commission. The General Counsel may assign different attorneys to advise either the staff or the offices of the Commissioners at any stage of the proceedings. The General Counsel will ordinarily advise and participate with the offices of the Commissioners in their functions relating to the hearing and the final decision.

(iii) The Commissioners are responsible for the agency review and final decision of the matter, with the advice and participation of anyone in CPSC other than representatives of the responsible staff and those members of the Office of the General Counsel designated to assist in the staff functions in the hearing.

(iv) Between the date that separation of functions applies and the date of the Commission's decision on the matter, communication concerning the matter involved in the hearing will be restricted as follows:

(A) No person outside CPSC may have an *ex parte* communication with the presiding officer or any person representing the offices of the Commissioners concerning the matter in the hearing. Neither the presiding officer nor any person representing the offices of the Commissioners may have any *ex parte* communications with a person outside CPSC concerning the matter in the hearing. All communications are to be public communications, as witness or counsel under the applicable procedures.

(B) A participant in the hearing may submit a written communication

concerning a proposal for settlement to the presiding officer with a request that it be transmitted to the Commission. These communications are to be in the form of pleadings, served on all other participants, and filed with the Office of the Secretary like any other pleading.

(C) A written communication contrary to this section must be immediately served on all other participants and filed with the Office of the Secretary by the presiding officer at the hearing, or by the Commissioner, depending on who received the communication. An oral communication contrary to this section must be immediately recorded in a written memorandum and similarly served on all other participants and filed with the Office of the Secretary. A person, including a representative of a participant in the hearing, who is involved in an oral communication contrary to this section, must, if possible, be made available for cross-examination during the hearing with respect to the substance of that conversation. Rebuttal testimony pertinent to a written or oral communication contrary to this section will be permitted. Cross-examination and rebuttal testimony will be transcribed and filed with the Office of the Secretary.

(D) The making of a communication contrary to this section may, consistent with the interests of justice and the policy of the underlying statute, result in a decision adverse to the person knowingly making or causing the making of such a communication.

#### Subpart D—Presiding Officer

##### § 1502.18 Presiding officer.

The presiding officer in a hearing will be an administrative law judge qualified under 5 U.S.C. 3105.

##### § 1502.19 Commencement of functions.

The functions of the presiding officer begin upon designation and end upon the filing of the initial decision.

##### § 1502.20 Authority of presiding officer.

The presiding officer has all powers necessary to conduct a fair, expeditious, and orderly hearing, including the power to—

(a) Specify and change the date, time, and place of oral hearings and conferences;

(b) Establish the procedures for use in developing evidentiary facts, including the procedures in § 1502.30(b) and to rule on the need for oral testimony and cross-examination under § 1502.26(b);

(c) Prepare statements of the areas of factual disagreement among the participants;



(d) Hold conference to settle, simplify, or determine the issues in a hearing or to consider other matters that may expedite the hearing;

(e) Administer oaths and affirmations;

(f) Control the course of the hearing and the conduct of the participants;

(g) Examine witnesses and strike or limit their testimony if they fail to respond fully to proper questions;

(h) Admit, exclude, or limit evidence;

(i) Set the time for filing pleadings;

(j) Rule on motions and other procedural matters;

(k) Rule on motions for summary decision under § 1502.31;

(l) Conduct the hearing in stages if the number of parties is large or the issues are numerous and complex;

(m) Waive, suspend, or modify any procedure in this subpart if the presiding officer determines that no party will be prejudiced, the ends of justice will be served, and the action is in accordance with law;

(n) Strike the participation of any person under § 1502.16(e) or exclude any person from the hearing under § 1502.28, or take other reasonable disciplinary action; and

(o) Take any other action required for the fair, expeditious, and orderly conduct of the hearing.

#### § 1502.21 Disqualification of presiding officer.

(a) A participant may request the presiding officer to disqualify himself/herself and withdraw from the proceeding. The ruling on any such request may be appealed in accordance with § 1502.35(b).

(b) A presiding officer who is aware of grounds for disqualification, whether or not raised by a participant, shall withdraw from the proceeding.

#### § 1502.22 Unavailability of presiding officer.

(a) If the presiding officer is unable to act for any reason, the Commission will assign the powers and duties to another presiding officer. The substitution will not affect the hearing, except as the new presiding officer may order.

(b) Any motion based on the substitution must be made within 10 days.

### Subpart E—Hearing Procedures

#### § 1502.23 Filing and service of submissions.

(a) Submissions, including pleadings in a hearing, are to be filed with the Office of the Secretary. Two copies shall be filed. To determine compliance with filing deadlines in a hearing, a submission is considered filed on the day of filing with or mailing to the Office

of the Secretary. When this part allows a response to a submission and prescribes a period of time for the filing of the response, an additional 3 days are allowed for the filing of the response if the submission is served by mail.

(b) The person making a submission shall serve copies of it on the other participants.

(c) Service is accomplished by mailing a submission to the address shown in the notice of participation or by personal delivery.

(d) All submissions are to be accompanied by a certificate of service or by a statement that service is not required, stating the reason therefor.

(e) No written submission or other portion of the administrative record may be held in confidence, except as provided in § 1502.3.

#### § 1502.24 Petition to participate in forma pauperis

(a) A participant who believes that compliance with the filing and service requirements of this section constitutes an unreasonable financial burden may submit to the Commission a petition to participate *in forma pauperis*.

(b) The petition will be captioned: "Request to Participate *In Forma Pauperis*, Docket No. \_\_\_\_." Filing and service requirements for the petition are described in paragraph (c) of this section, whether or not the petition is granted. The petition must demonstrate that either:

(1) The participant is indigent and a strong public interest justifies participation; or

(2) The participant's participation is in the public interest because it can be considered of primary benefit to the general public.

(c) The Commission may grant or deny the petition. If the petition is granted, the participant need file only one copy of each submission with the Office of the Secretary. The Office of the Secretary will make sufficient additional copies for the administrative record, and serve a copy on each other participant.

#### § 1502.25 Disclosure of data and information to be relied on by the participants.

(a) Before the notice of hearing is published under § 1502.13, the Assistant General Counsel for Regulatory Affairs shall submit the following to the Office of the Secretary:

(1) The relevant portions of the administrative record of the proceeding. Portions of the administrative record not relevant to the issues in the hearing are not required to be submitted.

(2) All other documentary data and information relied upon.

(3) A narrative position statement on the factual issues in the notice of hearing and the type of supporting evidence the Assistant General Counsel intends to introduce.

(b) Within 60 days of the publication of the notice of hearing or, if no participant will be prejudiced, within another period of time set by the presiding officer, each participant shall submit to the Office of the Secretary all data and information specified in paragraphs (a)(2) and (3) of this section and any objections that the administrative record filed under paragraph (a)(1) of this section is incomplete, and any documents in the participants' files containing factual information, whether favorable or unfavorable to the regulation issued by the Commission, which relates to the issues involved in the hearing.

(c) Submissions required by paragraphs (a) and (b) of this section may be supplemented later in the proceeding, with the approval of the presiding officer, upon a showing that the material in the supplement was not reasonably known or available when the submission was made, that the relevance of the material contained in the supplement could not reasonably have been foreseen, or that admission of the material in the supplement is necessary for a fair determination of the issues involved in the hearing.

(d) A participant's failure to comply substantially and in good faith with this section constitutes a waiver of the right to participate further in the hearing; failure of a party to comply constitutes a waiver of the right to a hearing.

(e) Participants may reference each other's submissions. To reduce duplicative submissions, participants are encouraged to exchange and consolidate lists of documentary evidence. If a particular document is bulky or in limited supply and cannot reasonably be reproduced, and it constitutes relevant evidence, the presiding officer may authorize submission of a reduced number of copies.

(f) The presiding officer will rule on questions relating to this section.

#### § 1502.26 Purpose; oral and written testimony; burden of proof.

(a) The objective of a formal evidentiary hearing is the fair determination of relevant facts consistent with the right of all interested persons to participate and the public interest in promptly settling controversial matters affecting the public health and welfare.



(b) Accordingly, the evidence at a hearing is to be developed to the maximum extent through written submissions, including written direct testimony, which may be in narrative or in question-and-answer form.

(1) Direct testimony will be submitted in writing, except on a showing that written direct testimony is insufficient for a full and true disclosure of relevant facts and that the participant will be prejudiced if unable to present oral direct testimony. If the proceeding involves particular issues, each party may determine whether, and the extent to which, each wishes to present direct testimony orally or in writing.

(2) Oral cross-examination of witnesses will be permitted if it appears that alternative means of developing the evidence are insufficient for a full and true disclosure of the facts and that the party requesting oral cross-examination will be prejudiced by denial of the request or that oral cross-examination is the most effective and efficient means to clarify the matters at issue.

(3) Witnesses shall give testimony under oath.

(c) A participant who proposes to substitute a new provision for a provision objected to has the burden of proof in relation to the new provision.

#### § 1502.27 Participation of nonparties.

(a) A nonparty participant may—

(1) Attend all conferences (including the prehearing conference), oral proceedings, and arguments;

(2) Submit written testimony and documentary evidence for inclusion in the record;

(3) File written objections, briefs, and other pleadings; and

(4) Present oral argument.

(b) A nonparty participant may not—

(1) Submit written interrogatories; or

(2) Conduct cross-examination.

(c) A person whose petition is the subject of the hearing has the same right as a party.

(d) A nonparty participant will be permitted additional rights if the presiding officer concludes that the participant's interests would not be adequately protected otherwise or that broader participation is required for a full and true disclosure of the facts, but the rights of a nonparty participant may not exceed the rights of a party.

#### § 1502.28 Conduct at oral hearings or conferences.

All participants in a hearing will conduct themselves with dignity and observe judicial standards of practice and ethics. They may not indulge in personal attacks, unseemly wrangling, or intemperate accusations or

characterizations. Representatives of parties shall, to the extent possible, restrain clients from improprieties in connection with any proceeding. Disrespectful, disorderly, or contumacious language or conduct, refusal to comply with directions, use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct during any hearing shall constitute grounds for immediate exclusion from the proceeding by the presiding officer.

#### § 1502.29 Time and place of prehearing conferences.

A prehearing conference will commence at the date, time, and place announced in the notice of hearing, or in a later notice, or as specified by the presiding officer in a notice modifying a prior notice. At the prehearing conference, insofar as practicable at that time, the presiding officer will establish the methods and procedures to be used in developing the evidence, determine reasonable time periods for the conduct of the hearing, and designate the times and places for the production of witnesses for direct and cross-examination, if leave to conduct oral examination is granted on any issue.

#### § 1502.30 Prehearing conference procedure.

(a) Participants in a hearing are to appear at the prehearing conference prepared to discuss and resolve all matters specified in paragraphs (b) of this section.

(1) To expedite the hearing, participants are encouraged to prepare in advance for the prehearing conference. Participants should cooperate with each other, and should request information and begin preparation of testimony at the earliest possible time. Failure of a participant to appear at the prehearing conference or to raise matters that reasonably could be anticipated and resolved at that time will not delay the progress of the hearing and constitutes a waiver of the rights of the participant regarding such matters as objections to the agreements reached, actions taken, or rulings issued by the presiding officer at or as a result of the prehearing conference and may be grounds for striking the participation under § 1502.16.

(2) Participants shall bring to the prehearing conference the following specific information, which will be filed with the Office of the Secretary under § 1502.23:

(i) Any additional information desired to supplement the submission filed

under § 1502.25; the supplement may be filed if approved under § 1502.25.

(ii) A list of all witnesses whose testimony will be offered, orally or in writing, at the hearing, with a full curriculum vitae for each. Additional witnesses may be identified later, with the approval of the presiding officer, on a showing that the witness was not reasonably available at the time of the prehearing conference, that the relevance of the witness's views could not reasonably have been foreseen at that time, or for other good cause shown, as where a previously identified witness is unforeseeably unable to testify.

(iii) All prior written statements, including articles and any written statement signed or adopted, or a recording or transcription of an oral statement made, by persons identified as witnesses if—

(A) The statement is available without making a request to the witnesses;

(B) The statement relates to the subject matter of the witness's testimony; and

(C) The statement either was made before the time the person agreed to become a witness or has been made publicly available by the person.

(b) The presiding officer will conduct a prehearing conference for the following purposes:

(1) To determine the areas of factual disagreement to be considered at the hearing. The presiding officer may hold conferences off the record in an effort to reach agreement on disputed factual questions, subject to the *ex parte* limitations in § 1502.17(f).

(2) To identify the most appropriate techniques for developing evidence on issues in controversy and the manner and sequence in which they will be used, including, where oral examination is to be conducted, the sequence in which witnesses will be produced for, and the time and place of, oral examination. The presiding officer may consider, but is not limited to, the following techniques.

(i) Submission of narrative statements of position on factual issues in controversy.

(ii) Submission of evidence or identification of previously submitted evidence to support such statements, such as affidavits, verified statements of fact, data, studies, and reports.

(iii) Exchange of written interrogatories directed to particular witnesses.

(iv) Written requests for the production of additional documentation, data, or other relevant information.



(v) Submission of written questions to be asked by the presiding officer of a specific witness.

(vi) Identification of facts for which oral examination and/or cross-examination is appropriate.

(3) To group participants with substantially like interests for presenting evidence, making motions and objections, including motions for summary decision, filing briefs, and presenting oral argument.

(4) To hear and rule on objections to admitting information submitted under § 1502.25 into evidence.

(5) To obtain stipulations and admissions of facts.

(6) To take other action that may expedite the hearing.

(c) The presiding officer shall issue, orally or in writing, a prehearing order reciting the actions taken at the prehearing conference and setting forth the schedule for the hearing. The order will control the subsequent course of the hearing unless modified by the presiding officer for good cause.

#### § 1502.31 Summary decisions.

(a) After the hearing commences, a participant may move, with or without supporting affidavits, for a summary decision on any issue in the hearing. Any other participant may, within 10 days after service of the motion, which time may be extended for an additional 10 days for good cause, serve opposing affidavits or countermove for summary decision. The presiding officer may set the matter for argument and call for the submission of briefs.

(b) The presiding officer will grant the motion if the objections, requests for hearing, other pleadings, affidavits, and other material filed in connection with the hearing, or matters officially noticed, show that there is no genuine issue as to any material fact and that a participant is entitled to summary decision.

(c) Affidavits should set forth facts that would be admissible in evidence and show affirmatively that the affiant is competent to testify to the matters stated. When a properly supported motion for summary decision is made, a participant opposing the motion may not rest upon mere allegations or denials or general descriptions of positions and contentions; affidavits or other responses must set forth specific facts showing that there is a genuine issue of fact for the hearing.

(d) Should it appear from the affidavits of a participant opposing the motion that for sound reasons stated, facts essential to justify the opposition cannot be presented by affidavit, the presiding officer may deny the motion for summary decision, allow additional

time to permit affidavits or additional evidence to be obtained, or issue other just order.

(e) If on motion under this section a summary decision is not rendered upon the whole case or for all the relief asked, and evidentiary facts need to be developed, the presiding officer will issue an order specifying the facts that appear without substantial controversy and directing further evidentiary proceedings. The facts so specified will be deemed established.

(f) A participant submitting or opposing a motion for summary decision may obtain interlocutory review by the Commission of a summary decision of the presiding officer.

#### § 1502.32 Receipt of evidence.

(a) A hearing consists of the development of evidence and the resolution of factual issues as set forth in this subpart and in the prehearing order.

(b) All orders, transcripts, written statements of position, written direct testimony, written interrogatories and responses, and any other written material submitted in the proceeding comprise the administrative record of the hearing, and will be promptly placed on public display in the Office of the Secretary, except as ordered by the presiding officer.

(c) Written evidence, identified as such, is admissible unless a participant objects and the presiding officer excludes it on objection of a participant or on the presiding officer's own initiative.

(1) The presiding officer may exclude written evidence as inadmissible only if—

(i) The evidence is irrelevant, immaterial, unreliable, or repetitive;

(ii) Exclusion of part or all of the written evidence of a participant is necessary to enforce the requirements of this subpart; or

(iii) The evidence was not submitted as required by § 1502.25.

(2) Items of written evidence are to be submitted as separate documents, sequentially numbered, except that a voluminous document may be submitted in the form of a cross-reference to the documents filed under § 1502.25.

(3) Written evidence excluded by the presiding officer as inadmissible remains a part of the administrative record, as an offer of proof, for judicial review.

(d) Testimony, whether on direct or on cross-examination, is admissible as evidence unless a participant objects and the presiding officer excludes it.

(1) The presiding officer may exclude oral evidence as inadmissible only if—

(i) The evidence is irrelevant, immaterial, unreliable, or repetitive; or

(ii) Exclusion of part or all of the evidence is necessary to enforce the requirements of these procedures.

(2) If oral evidence is excluded as inadmissible, the participant may take written exception to the ruling in a brief to the Commission, without taking oral exception at the hearing. Upon review, the Commission may reopen the hearing to permit the evidence to be admitted if the Commission determines that its exclusion was erroneous and prejudicial.

(e) The presiding officer may schedule conferences as needed to monitor the progress of the hearing, narrow and simplify the issues, and consider and rule on motions, requests, and other matters concerning the development of the evidence.

(f) The presiding officer will conduct such proceedings as are necessary for the taking of oral testimony, for the oral examination of witnesses by the presiding officer on the basis of written questions previously submitted by the parties, and for the conduct of cross-examination of witnesses by the parties. The presiding officer shall exclude irrelevant or repetitious written questions and limit oral cross-examination to prevent irrelevant or repetitious examination.

(g) The presiding officer shall order the proceedings closed for the taking of oral testimony relating only to trade secrets and privileged or confidential commercial or financial information. Participation in closed proceedings will be limited to the witness, the witness's counsel, and Federal Government employees.

#### § 1502.33 Official notice.

(a) Official notice may be taken of such matters as might be judicially noticed by the courts of the United States or of any other matter peculiarly within the general knowledge of CPSC as an expert agency.

(b) If official notice is taken of a material fact not appearing in the evidence of record, a participant, on timely request, will be afforded an opportunity to show the contrary.

#### § 1502.34 Briefs and arguments.

(a) Promptly after the taking of evidence is completed, the presiding officer will announce a schedule for the filing of briefs. Briefs must include a statement of position on each issue, with specific and complete citations to the evidence and points of law relied on. Briefs must contain proposed findings of fact and conclusions of law.



(b) The presiding officer may, as a matter of discretion, permit oral argument after the briefs are filed.

(c) Briefs and oral argument shall refrain from disclosing specific details of written and oral testimony and documents relating to trade secrets and privileged or confidential commercial or financial information, except as specifically authorized in a protective order issued by the presiding officer.

#### **§ 1502.35 Interlocutory appeal from ruling of presiding officer.**

(a) Except as provided in paragraph (b) of this section and in §§ 1502.13(b), 1502.16(e), 1502.31(f), and 1502.37(d) authorizing interlocutory appeals, rulings of the presiding officer may not be appealed to the Commission before the Commission's consideration of the entire record of the hearing.

(b) A ruling of the presiding officer is subject to interlocutory appeal to the Commission if the presiding officer certifies on the record or in writing that immediate review is necessary to prevent exceptional delay, expense, or prejudice to any participant or substantial harm to the public interest.

(c) When an interlocutory appeal is made to the Commission, a participant may file a brief with the Commission only if such is specifically authorized by the presiding officer or the Commission, and, if such authorization is granted, within the period the Commission directs. If a participant is authorized to file a brief, any other participant may file a brief in opposition, within the period the Commission directs. If no briefs are authorized, the appeal will be presented as an oral argument to the Commission. The oral argument will be transcribed. If briefs are authorized, oral argument will be heard only at the discretion of the Commission.

#### **§ 1502.36 Official transcript.**

(a) The presiding officer will arrange for a verbatim stenographic transcript of oral testimony and for necessary copies of the transcript.

(b) One copy of the transcript will be placed on public display in the Office of the Secretary upon receipt.

(c) Copies of the transcript may be obtained by application to the official reporter and payment of costs thereof.

(d) Witnesses, participants, and counsel have 30 days from the time the transcript becomes available to propose corrections in the transcript of oral testimony. Corrections are permitted only for transcription errors. The presiding officer shall promptly order justified corrections.

#### **§ 1502.37 Motions.**

(a) Except for a motion made in the course of an oral hearing before the presiding officer, a motion on any matter relating to the proceeding shall be filed under § 1502.23 and must include a draft order.

(b) A response may be filed within 10 days of service of a motion. The time may be shortened or extended by the presiding officer for good cause shown.

(c) The moving party has no right to reply, except as permitted by the presiding officer.

(d) The presiding officer shall rule upon the motion and may certify that ruling to the Commission for interlocutory review.

#### **Subpart F—Administrative Record**

##### **§ 1502.38 Administrative record of a hearing.**

(a) The record of a hearing consists of—

(1) The regulation or notice of opportunity for hearing that gave rise to the hearing;

(2) All objections and requests for hearing filed with the Office of the Secretary under §§ 1502.5 and 1502.6;

(3) The notice of hearing published under § 1502.13;

(4) All notices of participation filed under § 1502.16;

(5) All Federal Register notices pertinent to the proceeding;

(6) All submissions filed under § 1502.24, e.g., the submissions required by § 1502.25, all other documentary evidence and written testimony, pleadings, statements of position, briefs, and other similar documents;

(7) The transcript, written order, and all other documents relating to the prehearing conference, prepared under § 1502.30;

(8) All documents relating to any motion for summary decision under § 1502.31;

(9) All documents of which official notice is taken under § 1502.33;

(10) All pleadings filed under § 1502.34;

(11) All documents relating to any interlocutory appeal under § 1502.35;

(12) All transcripts prepared under § 1502.36; and

(13) Any other document relating to the hearing and filed with the Office of the Secretary by the presiding officer or any participant.

(b) The record of the administrative proceeding is closed—

(1) With respect to the taking of evidence, when specified by the presiding officer; and

(2) With respect to pleadings, at the time specified in § 1502.34(a) for the filing of briefs.

(c) The presiding officer may reopen the record to receive further evidence at any time before the filing of the initial decision.

##### **§ 1502.39 Examination of record.**

Except as provided in § 1502.3, documents in the record will be publicly available. Documents available for examination or copying will be placed on public display in the Office of the Secretary promptly upon receipt in that office.

#### **Subpart G—Initial and Final Decision**

##### **§ 1502.40 Initial decision.**

(a) The presiding officer shall prepare and file an initial decision as soon as practicable after the filing of briefs and oral argument.

(b) The initial decision shall contain—

(1) Findings of fact based upon relevant material, and reliable evidence of record;

(2) Conclusions of law;

(3) A discussion of the reasons for the findings and conclusions, including a discussion of the significant contentions made by any participant;

(4) Citations to the record supporting the findings and conclusions;

(5) An appropriate regulation supported by substantial evidence of record and based upon the findings of fact and conclusions of law (unless the initial decision is to not issue a regulation);

(6) An effective date for the regulation (if any), together with an explanation of why the effective date is appropriate; and

(7) The periods of time for filing exceptions to the initial decision with the Office of the Secretary and for filing replies to such exceptions, in accordance with § 1502.41(a)–(c).

(c) The initial decision must refrain from disclosing specific details of trade secrets and privileged or confidential commercial or financial information, except as specifically authorized in a protective order issued by the presiding officer.

(d) The initial decision is to be filed with the Office of the Secretary and served upon all participants. Once the initial decision is filed with the Office of the Secretary, the presiding officer has no further jurisdiction over the matter, and any motions or requests filed with the Office of the Secretary will be decided by the Commission.

(e) The initial decision becomes the final decision of the Commission by



operation of law unless a participant files exceptions with the Office of the Secretary under § 1502.41(a) or the Commission files a notice of review under § 1502.41(f).

(f) Notice that an initial decision that has become the decision of the Commission without appeal to or review by the Commission will be published in the *Federal Register*. The Commission also may publish the decision when it is of widespread interest.

#### § 1502.41 Appeal from or review of initial decision.

(a) A participant may appeal an initial decision to the Commission by filing exceptions with the Office of the Secretary, and serving them on the other participants within the period specified in the initial decision. The period for appeal to the Commission may not exceed 30 days, unless extended by the Commission under paragraph (d) of this section.

(b) Exceptions must specifically identify alleged errors in the findings of fact or conclusions of law in the initial decision, and provide supporting citations to the record. Oral argument before the Commission may be requested in the exceptions.

(c) Any reply to the exceptions shall be filed and served within the period specified in the initial decision. The period may not exceed 30 days after the end of the period (including any extensions) for filing exceptions, unless extended by the Commission under paragraph (d) of this section.

(d) The Commission may extend the time for filing exceptions or replies to exceptions for good cause shown.

(e) If the Commission decides to hear oral argument, the participants will be informed of the date, time, and place of the argument, the amount of time allotted to each participant, and the issues to be addressed.

(f) Within 10 days following the expiration of the time for filing exceptions (including any extensions), the Commission may file with the Office of the Secretary, and serve on the participants, a notice of the Commission's determination to review the initial decision. The Commission may invite the participants to file briefs or present oral argument on the matter. The time for filing briefs or presenting oral argument will be specified in that or a later notice.

#### § 1502.42 Decision by Commission on appeal or review of initial decision.

(a) On appeal from or review of the initial decision, the Commission has all the powers given to the presiding officer with respect to the initial decision. On

the Commission's own initiative or on motion, the Commission may remand the matter to the presiding officer for any further action necessary for a proper decision.

(b) The scope of the issues at the public hearing is the same as the scope of the issues on appeal at the public hearing unless the Commission specifies otherwise.

(c) As soon as possible after the filing of briefs and the presentation of any oral argument, the Commission will issue a final decision in the proceeding, which meets the requirements established in § 1502.40(b) and (c).

(d) The Commission may adopt the initial decision as the final decision.

(e) Notice of the Commission's decision will be published in the *Federal Register*. The Commission may also publish the decision when it is of widespread interest.

#### § 1502.43 Reconsideration and stay of Commission's action.

Following notice or publication of the final decision, a participant may petition the Commission for reconsideration of any part or all of the decision or may petition for a stay of the decision.

#### Subpart H—Judicial Review

##### § 1502.44 Review by the courts.

(a) The Commission's final decision constitutes final agency action from which a participant may petition for judicial review under the statutes governing the matter involved. Before requesting an order from a court for a stay of the Commission's action pending judicial review, a participant shall first submit a petition for a stay of action under § 1502.43.

(b) Under 28 U.S.C. 2112(a), CPSC will request consolidation of all petitions related to a particular matter.

##### § 1502.45 Copies of petitions for judicial review.

The General Counsel of CPSC has been designated by the Commission as the officer on whom copies of petitions for judicial review are to be served. This officer is responsible for filing the record on which the final decision is based. The record of the proceeding is certified by the Secretary of the Commission.

Dated: November 15, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 90-27348 Filed 11-20-90; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[CO-81-90]

RIN 1545-AP18

#### Limitations on Corporate Net Operating Loss Carryforwards

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed amendments to § 1.382-2T of the temporary Income Tax Regulations under section 382 of the Internal Revenue Code of 1986 ("the Code"). The proposed amendments provide for the aggregation of stock ownership in certain cases. Section 382 was amended by section 621 of the Tax Reform Act of 1986. Section 382 was further amended by section 10225 of the Revenue Act of 1987 (the "1987 Act"), sections 1006, 4012 and 5077 of the Technical and Miscellaneous Revenue Act of 1988 (the "1988 Act"), and sections 7205, 7304, 7811, 7815, and 7841 of the Revenue Reconciliation Act of 1989 (the "1989 Act").

**DATES:** Written comments and requests for a public hearing must be received by January 22, 1991. The proposed amendments to the temporary regulations are generally applicable to testing dates (as determined by applying the amendments) occurring on or after November 20, 1990.

A special effective date is provided for groups that act pursuant to a plan prior to November 20, 1990. No inference should be drawn as to the effect of present law on the treatment of such entities.

**ADDRESSES:** Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, CC:CORP:T:R [CO-81-90], room 4429, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Contact Lori J. Jones of the Office of Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20024, or telephone (202) 566-3422 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains amendments to part 1 of title 26 of the Code of Federal Regulations ("CFR") under section 382 of the Code. The



amendments relate to the aggregation and segregation of certain ownership interests. Section 382 was amended by section 621 of the Tax Reform Act of 1986 (Pub. L. No. 99-514, 100 Stat. 2085 (1986)). Section 382 was further amended by section 10225 of the 1987 Act (Pub. L. 100-203, 101 Stat. 1330), sections 1006, 4012 and 5077 of the 1988 Act (Pub. L. No. 100-647, 102 Stat. 3342), and sections 7205, 7304, 7811, 7815, and 7841 of the 1989 Act (Pub. L. No. 101-239, 103 Stat. 2106).

### Explanation of Provisions

#### *Overview of Relevant Provisions of the Code and Regulations*

Under section 382(a) of the Code, as amended, if an ownership change occurs with respect to a loss corporation (as defined in section 382(k)(1) and § 1.382T(f)(1) of the Income Tax Regulations), the amount of the loss corporation's taxable income for a post-change year that may be offset by the pre-change losses (and certain built-in losses) of the loss corporation cannot exceed the section 382 limitation. The section 382 limitation for a post-change year is generally equal to the fair market value of the loss corporation's stock immediately before the ownership change multiplied by the applicable long-term tax-exempt rate as published in the Internal Revenue Bulletin.

In general, an ownership change involves an increase of more than 50 percentage points in stock ownership by 5-percent shareholders during the testing period (usually the three-year period ending on the date on which a transaction is tested for an ownership change). A 5-percent shareholder generally is an individual who owns, directly or pursuant to certain attribution rules, five percent or more of the stock of a loss corporation or individuals and entities separately owning less than five percent of the loss corporation that are aggregated into a group (referred to as a "public group") pursuant to certain aggregation rules under the temporary regulations.

As previously indicated, stock ownership is determined pursuant to certain attribution rules. These attribution rules are used to determine the ultimate beneficial owners of the loss corporation. For example, entity attribution rules require that stock be attributed from an entity owning (directly or indirectly by attribution) five percent or more of the loss corporation to the owners of the entity in proportion to their respective ownership interests.

To apply the aggregation rules, the loss corporation must identify each entity that owns (directly or indirectly

by attribution) five percent or more of its stock. With respect to each such entity, the loss corporation must aggregate all owners of the entity that individually are attributed less than five percent of the loss corporation's stock. If these shareholders who, by attribution, each own less than five percent of the loss corporation (the "less-than-5-percent shareholders") own as a group five percent or more of the loss corporation, they are treated as a separate public group which is itself a 5-percent shareholder. A group of less-than-5-percent shareholders with direct ownership of the loss corporation is aggregated into a public group that is treated as a 5-percent shareholder regardless of whether it owns five percent or more of the loss corporation. Transfers of loss corporation stock among members of public groups generally are not taken into account in determining whether an ownership change has occurred.

The rule disregarding transfers of a loss corporation's stock among members of public groups is a rule of convenience designed to alleviate the burden of tracking trades among less-than-5-percent shareholders. Congress, however, recognized that there are situations in connection with transfers of stock involving less-than-5-percent shareholders in which it is feasible to identify changes in ownership by these shareholders because, unlike in public trading, the changes occur as part of a single, integrated transaction. With respect to these transactions, Congress intended that, where identification of changes in ownership is reasonably feasible or a reasonable presumption can be applied, regulations should provide that the changes should be taken into account in determining whether an ownership change has occurred. Conf. Rep. No. 841, 99th Congress, 2d Sess., Part II at 176 (1986).

#### *Proposed Amendments to § 1.382-2T*

For purposes of section 382 and the regulations thereunder, the temporary regulations defined the term "entity" as "any corporation, estate, trust, association, company, partnership, or similar organization." Consequently, where an entity is or becomes a 5-percent shareholder, a loss corporation is required to identify changes in ownership by that entity that occur during the testing period.

An identifiable shift in the ownership of a loss corporation also occurs when a group of persons acting pursuant to a plan acquires five percent or more of the stock of the loss corporation. The temporary regulations are amended to make clear that the definition of the

term "entity" includes a group of persons acting pursuant to a plan. Under the amendment, a group of persons must be aggregated into a separate public group where, pursuant to a plan, the group owns five percent or more of the loss corporation's stock in the aggregate, even though each member of the group individually owns less than five percent of such stock. Any shift in ownership by the group must be taken into account for purposes of determining whether an ownership change has occurred.

Pursuant to § 1.382-2T(k)(1) of the regulations, with respect to stock that is subject to regulations of the Securities and Exchange Commission ("SEC"), the loss corporation may rely on the existence and absence of filings with the SEC to identify a group that, acting pursuant to a plan, acquires or owns five percent or more of the stock. However, where the loss corporation has actual knowledge that such a group exists, the presumption in § 1.382-2T(k)(1) is inapplicable and the loss corporation must determine the amount of the loss corporation stock owned by the group for purposes of identifying its 5-percent shareholders.

### Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these proposed regulations, and therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

### Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably a signed original and seven copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety. A public hearing will be scheduled and held upon written request by any person who submits written comments on the proposed rules. Notice of the time and place for the hearing will be published in the Federal Register.



**Drafting Information**

The principal author of these proposed regulations is Lori J. Jones, Office of Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service. Personnel from other offices of the Service and the Treasury Department participated in developing the regulations, in matters of both substance and style.

**List of Subjects in 26 CFR Sections 1.301-1—1.383-3**

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

**Proposed Amendments to the Regulations**

The notice of proposed rulemaking (to amend 26 CFR part 1) that was published on August 11, 1987, (52 FR 29704) is amended and additional amendments to 26 CFR part 1 are proposed as follows:

**PART 1—AMENDED**

**Paragraph 1.** The authority for part 1 is amended by adding the following citations to read in part:

Authority: 26 U.S.C. Section 7805, \* \* \*  
§ 1.382-2T issued under 26 U.S.C.  
382(g)(4)(C), 26 U.S.C. 382(i), 26 U.S.C.  
382(k)(1), 26 U.S.C. 382(k)(6), 26 U.S.C.  
382(l)(3), and 26 U.S.C. 382(m).

**Par. 2.** Section 1.382-2T is amended as follows:

1. Paragraph (f)(7) is amended by adding new sentence as set forth below.
2. Examples (5) and (6) are added to paragraph (g)(4) as set forth below.
3. Paragraph (m) is added as set forth below.

**§ 1.382-2T Definition of ownership change under section 382, as amended by the Tax Reform Act of 1986 (temporary).**

(f) *Definitions.* \* \* \*  
(7) *Entity.* \* \* \* An entity includes a group of persons acting pursuant to a plan.

(g) *5-percent shareholders.* \* \* \*  
(4) *Examples.* \* \* \*

*Example (5)*—(i) L corporation has 1,000 shares of common stock outstanding. For the three-year period ending on October 1, 1991, L's stock was owned by unrelated individuals, none of whom owned five percent or more of L. A group of 20 individuals ("Group") agree among themselves to acquire more than five percent of L's stock. Group is not a corporation, trust, association, partnership, or company. On October 1, 1991, pursuant to their plan, the members of Group purchase 600 shares of L common stock from the old shareholders of L

(a total of 60 percent of L stock), with each member purchasing 30 shares.

(ii) Before the members of Group acquired L's stock on October 1, 1991, no individual or entity owned, directly or indirectly, five percent or more of the stock of L. As a result, all shareholders were aggregated into a public group and L was considered to be owned by a single 5-percent shareholder ("Public L") in accordance with paragraphs (g)(1) and (j)(1) of this section.

(iii) Under paragraph (f)(7) of this section, the agreement among members of Group constitutes a plan and Group is, therefore, an entity. Thus, the acquisition of more than five percent of the stock of L on October 1, 1991, by members of Group is not disregarded under paragraph (e)(1)(ii) of this section. Because no member of Group owns, directly or indirectly, five percent or more of the stock of L, paragraphs (g)(1) and (j)(1) require that the members of Group be aggregated into a separate public group, which will be presumed to consist of persons unrelated to the members of Public L. Because there is a shift of more than fifty percentage points in the ownership of L stock, an ownership change occurs on October 1, 1991, as a result of Group's purchase of the 600 shares.

*Example (6)*—(i) Prior to October 1, 1991, L's 1,000 shares of outstanding stock were owned by unrelated individuals, none of whom own five percent or more of the stock of L. L's management is concerned that L may become subject to a takeover bid. In separate meetings, L's management convinces 15 investors friendly to management to each acquire 4 percent of L's outstanding stock. Each investor is aware that L's management is meeting with other friendly investors. There is no formal or informal agreement between the 15 investors. On October 1, 1991, each investor purchases 4 percent of L's stock.

(ii) Under paragraph (f)(7) of this section, the group of investors ("Group") are treated as an entity because they are acting pursuant to a plan devised by L. Paragraphs (g)(1) and (j)(1) of this section require that on October 1, 1991, the Group be aggregated into a separate public group, which has increased its ownership of L stock by 60 percentage points over its lowest level of ownership in the three-year period ending on October 1, 1991. Accordingly, an ownership change occurs on that date.

(m) *Effective date.* \* \* \*  
(10)(i) *In general.* The second sentence of paragraph (f)(7) of this section and examples (5) and (6) of paragraph (g)(4) of this section apply for testing dates (determined by applying such sentence and examples) on or after November 20, 1990, but with respect to any group of persons that acts pursuant to a plan before November 20, 1990, only if the group increases or reduces pursuant to the plan its ownership of stock of the loss corporation relative to its percentage ownership interest at the close of the day preceding November 20, 1990, by five percentage points or more on or after November 20, 1990.

(ii) *Example.*—Prior to December 1, 1989, L, a loss corporation, is owned entirely by 1,000 unrelated individuals, none of whom owns as much as five percent of the stock of L ("Public L"). On December 1, 1989, 15 individuals ("Group") each acquired 3 percent, or 45 percent, in total, of L stock pursuant to a plan. Group is not a corporation, trust, association, partnership or company. On November 1, 1991, six members of Group each purchased an additional one percent of L stock, or 6 percent, in total, pursuant to the plan. Accordingly, Group increased its ownership in L by 51 percentage points over the testing period. No other 5-percent shareholder has increased his percentage interest of L stock during the testing period. As a result, an ownership change of L occurs on November 1, 1991.

Fred T. Goldberg,

Commissioner of Internal Revenue.

[FR Doc. 90-27223 Filed 11-20-90; 8:45 am]

BILLING CODE 4830-01-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY****Federal Insurance Administration****44 CFR Part 67**

[Docket No. FEMA-7006]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency



Management Agency, Washington, DC 20472 (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

#### PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. The proposed base (100-year) flood elevations for selected locations are:

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>ALABAMA</b>	
<b>Guntersville (city), Marshall County</b>	
<i>Tennessee River:</i> Within community.....	*596
<i>Big Spring Creek:</i>	
At mouth.....	*596
About 3.76 miles upstream of U.S. Highway 431..	*604
<b>Maps available for inspection at the City Hall, 341 Gunter Avenue, Guntersville, Alabama.</b>	
Send comments to The Honorable Robert Heribree, Mayor, City of Guntersville, 341 Gunter Avenue, Guntersville, Alabama 35960.	
<b>ARKANSAS</b>	
<b>Ashdown (city), Little River County</b>	
<i>Hurricane Creek:</i>	
At confluence of East Tributary.....	*306
Approximately 0.13 river mile upstream of State Route 32.....	*328
<i>East Tributary:</i>	
At its confluence with Hurricane Creek.....	*306
At the downstream side of State Route 32.....	*330
<i>South Tributary:</i>	
At its confluence with East Tributary.....	*313
Approximately 0.01 river mile upstream of State Route 32 (Rankin Street).....	*325
<b>Maps available for inspection at the City Hall, 250 N. 2nd Street, Ashdown, Arkansas.</b>	
Send comments to The Honorable C.T. Patterson, III, Mayor of the City of Ashdown, Little River County, P.O. Box 135, Ashdown, Arkansas 71822.	
<b>Chester (town), Crawford County</b>	
<i>Clear Creek (Upper Reach):</i>	
At downstream corporate limits.....	*836
Approximately 900 feet upstream of Brown Street.....	*862
<b>Maps available for inspection at the Town Hall, Chester, Arkansas.</b>	
Send comments to The Honorable Mary Ramey, Mayor of the Town of Chester, Crawford County, P.O. Box 122, Chester, Arkansas 72934.	
<b>Crawford County (unincorporated areas)</b>	
<i>Arkansas River:</i>	
Approximately 6.5 navigation miles downstream of Interstate Route 540.....	*405
At upstream County boundary.....	*418
<i>Lee Creek:</i> Approximately .2 river mile upstream of County Route 64 (Rena Road).....	*415
<i>Town Branch:</i>	
Approximately 0.4 river mile upstream of the confluence with Ned Lake.....	*394
Approximately 0.61 river mile upstream of State Route 59.....	*398
<i>Flat Rock Creek:</i>	
Approximately 0.82 river mile downstream of the confluence of Town Branch overflow.....	*395
Approximately 0.08 river mile upstream of Rudy Road.....	*472
<i>Clear Creek (Upper Reach):</i>	
Approximately .27 river mile downstream of Burlington Northern Railroad.....	*805
Approximately .25 river mile upstream of Brown Street.....	*864
<i>Frog Bayou:</i>	

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 0.95 river mile downstream of Union Pacific Railroad.....	*422
At the confluence of Clear Creek (Lower Reach).....	*751
<i>Warloop Creek:</i>	
Approximately 400 feet upstream of U.S. Route 71 and State Route 282.....	*752
Approximately 950 feet upstream of U.S. Route 71 and State Route 282.....	*755
<i>Frog Bayou Tributary:</i>	
At confluence with Frog Bayou.....	*436
Approximately 400 feet upstream of County Route 19 (Collum Lane).....	*441
<i>Clear Creek (Lower Reach):</i>	
At the confluence with Frog Bayou.....	*751
At the Burlington Northern Railroad.....	*766
<i>Pigeon Creek:</i>	
At confluence with Frog Bayou.....	*690
Approximately 550 feet upstream of Wall Street.....	*746
<i>Mulberry River:</i>	
Approximately 530 feet downstream of confluence of Little Mulberry Creek.....	*392
At Interstate Route 40.....	*411
<i>Miller Branch:</i>	
Approximately 1,150 feet downstream of State Route 215.....	*405
Approximately 0.48 mile upstream of State Route 215.....	*441
<i>Little Mulberry Creek:</i>	
At confluence with Mulberry River.....	*392
Approximately .92 mile upstream of U.S. Route 64.....	*410
<i>Morris Branch Tributary:</i> Approximately 0.6 mile upstream of Interstate Route 40 on-ramp (west-bound lane).....	*515
<b>Maps available for inspection at Crawford County Courthouse, Van Buren, Arkansas</b>	
Send comments to The Honorable Harold Loyd, Crawford County Judge, Crawford County Courthouse, 4th Street, Van Buren, Arkansas 72956.	
<b>Greenland (city), Washington County</b>	
<i>West Fork White River:</i>	
Approximately 1.2 miles downstream of U.S. Route 71.....	*1,240
Approximately 0.2 mile upstream of old U.S. Route 71.....	*1,254
<b>Maps available for inspection at the City Hall, 1 Ross Street, Greenland, Arkansas.</b>	
Send comments to The Honorable Mary Harris, Mayor of the City of Greenland, Washington County, P.O. Box 67, Greenland, Arkansas 72737.	
<b>Kibler (city), Crawford County</b>	
<i>Curry Branch:</i>	
Approximately 0.69 river mile from confluence with Frog Bayou.....	*400
Approximately 0.46 river mile upstream of South Cedar Road.....	*439
<b>Maps available for inspection at the City Hall, Alma, Arkansas.</b>	
Send comments to The Honorable Randy Aldridge, Mayor of the City of Kibler, Crawford County, Route 1, Alma, Arkansas 72921.	
<b>Lincoln (city), Washington County</b>	
<i>Moore's Tributary:</i>	
Lincoln corporate limits.....	*1,425
Approximately 0.1 mile upstream of Lincoln corporate limits.....	*1,429
<b>Maps available for inspection at the City Hall, 106 Arthur, Lincoln, Arkansas.</b>	
Send comments to The Honorable Clarence Reed, Mayor of the City of Lincoln, Washington County, P.O. Box 967, Lincoln, Arkansas 72744.	



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Tontitown (city), Washington County</b>	
<b>Main Ditch:</b>	
Approximately 0.9 river mile above confluence with Brush Creek	*1,273
Approximately 1.095 river miles above confluence with Brush Creek	*1,282
<b>Maps available for inspection at the City Hall, Tontitown, Arkansas.</b>	
Send comments to The Honorable Freddie Taldo, Mayor of the City of Tontitown, Washington County, P.O. Box 305, Tontitown, Arkansas 72770.	
<b>Washington County (unincorporated areas)</b>	
<b>West Fork White River:</b>	
Approximately 0.9 miles downstream of Harvey Owl Road	*1,168
Approximately 2.3 miles upstream of West Fork corporate limits	*1,360
<b>Clabber Creek:</b>	
Confluence with Hamestring Creek	*1,141
Fayetteville corporate limits	*1,193
<b>Hamestring Creek:</b>	
Confluence of Clabber Creek	*1,141
Fayetteville corporate limits	*1,194
<b>Owl Creek:</b>	
Approximately 240 feet downstream of County Route 27	*1,176
Approximately 0.3 mile upstream of County Route 650	*1,203
<b>Clear Creek:</b>	
Approximately 210 feet downstream of State Route 112	*1,144
Approximately 250 feet upstream of City of Johnson corporate limits	*1,171
<b>Moores Creek:</b>	
Approximately 475 feet downstream of State Route 620	*1,407
Approximately 0.29 mile upstream of U.S. Route 62	*1,417
<b>Moores Tributary:</b>	
Confluence with Moores Creek	*1,411
City of Lincoln corporate limits	*1,425
<b>Muddy Fork:</b>	
Approximately 265 feet downstream of County Route 98	*1,111
Approximately 0.32 mile upstream of U.S. Route 62	*1,135
<b>Brush Creek:</b>	
Approximately 0.5 mile downstream of Emma Road	*1,243
Approximately 0.3 mile downstream of Emma Roads	*1,250
<b>Airport Branch:</b>	
At confluence with West Fork White River	*1,219
At the City of Fayetteville downstream corporate limits	*1,230
<b>Mud Creek:</b>	
At a point approximately 550 feet downstream of Johnson Road	*1,180
At a point approximately 800 feet downstream of Johnson Road	*1,180
<b>Tributary 4:</b>	
Approximately 100 feet downstream of Johnson Road	*1,207
Approximately 100 feet upstream of Johnson Road	*1,209
<b>Maps available for inspection at the County Courthouse, 2 South College, Fayetteville, Ar- kansas.</b>	
Send comments to The Honorable Charles John- son, Washington County Judge, 2 South Col- lege, Fayetteville, Arkansas 72701.	

## CALIFORNIA

<b>San Benito County (unincorporated areas)</b>	
<b>Pajaro River:</b>	
At confluence of San Benito River	*139
Just upstream of State Highway 101	*144
<b>San Benito River:</b>	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,300 feet downstream of State Highway 156	*252
Just upstream of State Highway 156	*256
Just upstream of Cienega Road	*298
Just upstream of Hospital Road	*316
Approximately 1,300 feet upstream of Hospital Road	*318
<b>Santa Ana Creek:</b>	
Just downstream of State Highway 156	*198
Just downstream of Fallon Road	*223
Approximately 400 feet upstream of McClosky Road	*267
Just upstream of Fairview Road	*309
<b>Santa Ana Creek Tributary:</b>	
At the confluence with Santa Ana Creek	*268
Approximately 100 feet upstream of Santa Ana Road	*290
Just upstream of Sunnyslope Road	*379
Approximately 240 feet upstream of Fairview Road	*471
<b>San Juan Creek:</b>	
At confluence of San Juan Creek Tributary	*189
Approximately 60 feet upstream of State High- way 156	*196
Just downstream of Mission Vineyard Road	*226
Approximately 2,700 feet upstream of San Juan Canyon Road	*287
<b>San Juan Creek Tributary:</b>	
Approximately 600 feet upstream of the conflu- ence with San Juan Creek	*190
Just downstream of San Juan Grade Road	*270
Approximately 600 feet upstream of San Juan Grade Road	*293
<b>Maps are available for review at the San Benito County Planning Department, 3220 Southside Road, Hollister, California.</b>	
Send comments to The Honorable Curtis Graves, Chairman, San Benito County Board of Supervi- sors, 440 Fifth Street, Hollister, California 95023.	

## ILLINOIS

<b>Huntley (Village), McHenry and Kane Counties</b>	
<b>South Branch Kishwaukee Branch:</b>	
About 950 feet upstream of mouth	*872
About 2100 feet upstream of Chicago and North Western railroad	*882
<b>Maps available for inspection at the Village Administrator's Office, Village Hall, 11704 Coral Street, Huntley, Illinois.</b>	
Send comments to The Honorable James Dhamer, Village President, Village of Huntley, 11704 Coral Street, Huntley, Illinois 60142.	

## KANSAS

<b>Cherokee County (Unincorporated Areas)</b>	
<b>Spring Lake:</b> Within community	*819
<b>Spring River:</b>	
Just upstream of U.S. Highway 66	*819
Just downstream of Columbus Street	*827
<b>Shoal Creek:</b>	
At mouth	*819
Just downstream of State Highway 26	*833
<b>Maps available for inspection at the County Courthouse, Columbus, Kansas.</b>	
Send comments to The Honorable Jack Boyes, Chairman, County Commission, Cherokee County, P.O. Box 14, Columbus, Kansas 66725.	
<b>Cowley County (unincorporated areas)</b>	
<b>Polecat Creek:</b>	
About 1.9 miles upstream of mouth	*1,169
At northern county boundary	*1,207
<b>Stewart Creek:</b>	
About 2.1 miles upstream of mouth	*1,155
About 1.0 mile upstream of State Highway 15	*1,196
<b>Rock Creek:</b>	
About 1.3 miles upstream of mouth	*1,168
At northern county boundary	*1,213
<b>Richland Creek:</b>	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At mouth	*1,248
About 4500 feet upstream of County Highway 1	*1,272
<b>Lower Dutch Creek:</b>	
At mouth	*1,343
About 1.25 miles upstream of County Highway	*1,360
<b>Dutch Creek:</b>	
At mouth	*1,187
At confluence of Lower Dutch Creek	*1,343
<b>Timber Creek Tributary 1:</b>	
At mouth	*1,335
About 1.17 miles upstream of County Highway	*1364
<b>Timber Creek:</b>	
At mouth	*1,132
At northern county boundary	*1,474
<b>Walnut River:</b>	
Just upstream of Union Pacific Railroad	*1,069
About 1.80 miles upstream of confluence of Timber Creek	*1,132
<b>Cedar Creek:</b>	
At mouth	*1,155
About 1400 feet downstream of Timber Lake No. 35 Dam	*1,275
<b>Rock Creek Tributary:</b>	
At Eastern County Boundary	*928
About 2.93 miles upstream of confluence of Whartenby Creek	*1,005
<b>Acker Creek:</b>	
At mouth	*935
At county boundary	*1,039
<b>Bear Creek:</b>	
At mouth	*947
About 300 feet upstream of Private Road	*1,027
<b>Otter Creek:</b>	
At eastern county boundary	*959
About 3700 feet upstream of State Highway 38	*1,086
<b>Cedar Creek Tributary:</b>	
At mouth	*936
About 2350 feet upstream of U.S. Highway 166	*1,043
<b>North Cedar Creek:</b>	
At eastern county boundary	*930
About 4.1 miles upstream of U.S. Highway 166	*1,072
<b>Arkansas River:</b>	
Just upstream of Atchison, Topeka and Santa Fe Railway	*1,072
Just downstream of Atchison, Topeka and Santa Fe Railway	*1,146
Just upstream of Atchison, Topeka and Santa Fe Railway	*1,151
About 1650 feet upstream of county boundary	*1,157
<b>C Street Canal:</b>	
Just downstream of Hickory Avenue	*1,103
About 0.36 mile upstream of 8th Street	*1,118
<b>Black Creek:</b>	
At mouth	*1,121
Just downstream of Union Pacific Railroad	*1,131
<b>Timber Lake No. 2: Entire shoreline</b>	*1,263
<b>Timber Lake No. 3: Entire shoreline</b>	*1,467
<b>Timber Lake No. 4: Entire shoreline</b>	*1,459
<b>Timber Lake No. 5: Entire shoreline</b>	*1,445
<b>Timber Lake No. 6: Entire shoreline</b>	*1,428
<b>Timber Lake No. 7: Entire shoreline</b>	*1,413
<b>Timber Lake No. 8: Entire shoreline</b>	*1,415
<b>Timber Lake No. 9: Entire shoreline</b>	*1,392
<b>Timber Lake No. 10: Entire shoreline</b>	*1,372
<b>Timber Lake No. 11: Entire shoreline</b>	*1,399
<b>Timber Lake No. 12: Entire shoreline</b>	*1,408
<b>Timber Lake No. 13: Entire shoreline</b>	*1,369
<b>Timber Lake No. 14: Entire shoreline</b>	*1,348
<b>Timber Lake No. 15: Entire shoreline</b>	*1,363
<b>Timber Lake No. 16: Entire shoreline</b>	*1,329
<b>Timber Lake No. 17: Entire shoreline</b>	*1,327
<b>Timber Lake No. 18: Entire shoreline</b>	*1,315
<b>Timber Lake No. 19: Entire shoreline</b>	*1,392
<b>Timber Lake No. 20: Entire shoreline</b>	*1,321
<b>Timber Lake No. 21: Entire shoreline</b>	*1,301
<b>Timber Lake No. 22: Entire shoreline</b>	*1,306
<b>Timber Lake No. 23: Entire shoreline</b>	*1,289
<b>Timber Lake No. 24: Entire shoreline</b>	*1,277
<b>Timber Lake No. 25: Entire shoreline</b>	*1,248
<b>Timber Lake No. 26: Entire shoreline</b>	*1,238
<b>Timber Lake No. 27: Entire shoreline</b>	*1,225
<b>Timber Lake No. 28: Entire shoreline</b>	*1,199
<b>Timber Lake No. 29: Entire shoreline</b>	*1,219
<b>Timber Lake No. 30: Entire shoreline</b>	*1,282
<b>Timber Lake No. 31: Entire shoreline</b>	*1,299
<b>Timber Lake No. 32: Entire shoreline</b>	
<b>Timber Lake No. 33: Entire shoreline</b>	



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<i>Timber Lake No. 34: Entire shoreline</i> .....	*1,268
<i>Timber Lake No. 35: Entire shoreline</i> .....	*1,301
<i>Rock Lake No. 4: Entire shoreline</i> .....	*1,251
<i>Rock Lake No. 5: Entire shoreline</i> .....	*1,295
<b>Maps available for inspection at the County Courthouse, Winfield, Kansas.</b>	
Send comments to The Honorable Dick Bonfy, Chairman, Board of County Commission, Cowley County, County Courthouse, Winfield, Kansas 67156.	
<b>Jefferson County (unincorporated areas)</b>	
<i>Kansas River:</i>	
About 0.6 mile downstream of confluence of Buck Creek.....	*837
At confluence of Little Muddy Creek.....	*875
<i>Stone House Creek:</i>	
At mouth.....	*841
Just downstream of U.S. Highway 59.....	*877
<i>Big Muddy Creek:</i>	
At mouth.....	*867
Just downstream of State Highway 4.....	*895
<i>Little Muddy Creek:</i>	
At mouth.....	*875
Just upstream of State Highway 4.....	*901
<b>Maps available for inspection at the County Courthouse, Oskaloosa, Kansas.</b>	
Send comments to The Honorable Rollin A. Clark, Chairman, Board of Commissioners, Jefferson County, P.O. Box 321, Oskaloosa, Kansas 66066.	
<b>Mission Woods (city), Johnson County</b>	
<i>Brush Creek: Within community</i> .....	
*853	
<b>Maps available for inspection at the City Hall, 5322 Mission Woods Road, Mission Woods, Kansas.</b>	
Send comments to The Honorable William H. Sanders, Jr., Mayor, City of Mission Woods, 5322 Mission Woods Road, Mission Woods, Kansas 66205.	

## KENTUCKY

<b>Marshall County (unincorporated areas)</b>	
<i>Little Cypress Creek:</i>	
At mouth.....	*342
Just downstream of State Route 795.....	*362
<i>Barrett Branch:</i>	
At mouth.....	*343
About 2,800 feet upstream of Bennett Road.....	*346
<i>East Fork Clarks River:</i>	
About 500 feet downstream of Purchase Parkway.....	*358
About 3,000 feet upstream of confluence of Watch Creek.....	*374
<i>Watch Creek:</i>	
Just upstream of Walnut Grove-Olive Johnson Road.....	*386
About 1,700 feet upstream of U.S. Route 641.....	*442
<i>Cypress Creek:</i>	
At mouth.....	*342
Just downstream of Lakeview Church Road.....	*348
<i>Little John Creek:</i>	
At mouth.....	*348
About 400 feet downstream of State Route 95.....	*358
<i>Tennessee River:</i>	
At downstream county boundary.....	*342
About 2,100 feet downstream of Kentucky Dam.....	*345
Just upstream of Kentucky Dam.....	*375
About 1.9 miles upstream of U.S. Route 68.....	*375
<b>Maps available for inspection at the County Courthouse, Vinton, Kentucky.</b>	
Send comments to The Honorable Mike Miller, Judge/Executive, Marshall county, County Courthouse, Vinton, Kentucky 42025.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>LOUISIANA</b>	
<b>Sabine Parish (unincorporated areas)</b>	
<i>Bayou La Nana:</i>	
Approximately .7 mile downstream of Kansas City Southern Railway.....	*200
At confluence of San Jose Creek.....	*203
<i>Harpoon Bayou:</i>	
At confluence of San Jose Creek.....	*203
Approximately 1.2 miles upstream of State Route 1217.....	241
<i>Phillips Creek:</i>	
Approximately .7 mile downstream of State Route 1217.....	*225
Approximately .5 mile upstream of State Route 6.....	*247
<i>Balkwell Creek:</i>	
At the confluence with Phillips Creek.....	*229
Approximately .7 mile upstream of State Route 6.....	*255
<i>San Jose Creek:</i>	
At confluence with Harpoon Bayou.....	*203
Approximately 200 feet upstream of Kansas City Southern Railway.....	*232
<i>San Jose Creek Tributary:</i>	
At Kansas City Southern Railway.....	*232
Approximately 760 feet upstream of Kansas City Southern Railway.....	*234
<i>Bayou Scie:</i>	
Approximately 200 feet downstream of State Route 475.....	*182
Approximately .8 mile upstream of State Route 1216.....	*213
<i>Midkiff Creek:</i>	
Approximately .5 mile downstream of State Route 474.....	*239
Approximately 1,900 feet downstream of Mill Road.....	*256
<b>Maps available for inspection at the Court-house, Police Jury Office, Many, Louisiana.</b>	
Send comments to The Honorable Ronald Busby, Secretary/Treasurer of the Sabine Parish Police Jury, 400 Courthouse, Many, Louisiana 71449.	

## Zwolle (town), Sabine Parish

<i>Bayou Scie:</i>	
Approximately 200 feet downstream of State Route 475.....	*182
Approximately 100 feet downstream of State Route 1216.....	*195
<b>Maps available for inspection at the Town Hall, Zwolle, Louisiana.</b>	
Send comments to The Honorable Lynn Fleming, Mayor of the Town of Zwolle, Sabine Parish, P.O. Box 546, Zwolle, Louisiana 71486.	

## MAINE

<b>Addison (town), Washington County</b>	
<i>Atlantic Ocean Pleasant Bay:</i>	
Shoreline at Seal Cove.....	*12
Shoreline at the Ladle (Island).....	*22
Pleasant River: Entire shoreline within community.....	*12
<i>West River:</i>	
Shoreline at Grays Cove.....	*12
Shoreline at Lane Road extended.....	*13
<i>Indian River:</i>	
Shoreline at Crowley Island Road.....	*12
Shoreline at north side of Doyle Island.....	*13
<i>Wohoa Bay:</i>	
Shoreline at Cape Split Road extended.....	*22
Shoreline at Kent Cove.....	*22
<i>Western Bay:</i>	
Shoreline at Seaduck Rock.....	*13
Shoreline at west side of Outer Sand Island.....	*22
<b>Maps available for inspection at the Town Hall, Addison, Maine.</b>	
Send comments to The Honorable Lawrence Crowley, First Selectman of the Town of Addison, Washington County, Town Hall, P.O. Box 142, Addison, Maine 04606.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Berwick (town), York County</b>	
<i>Salmon Falls River:</i>	
Approximately .6 mile downstream of New Dam Road.....	*70
Upstream corporate limits.....	*190
<b>Maps available for inspection at the Town Hall, Berwick, Maine.</b>	
Send comments to Mr. Richard Stillings, Berwick Town Planner, York County, P.O. Box 696, Berwick, Maine 03901.	
<b>Franklin (town), Hancock County</b>	
<i>Card Mill Stream:</i>	
At confluence with Hog Bay.....	*11
At Donnell Pond Dam.....	*117
<i>Mill Brook:</i>	
At confluence with Taunton Bay.....	*11
At Great Pond Dam.....	*55
<i>Egypt Bay: Entire shoreline within the community</i> .....	
*11	
<i>Taunton Bay: Entire shoreline within the community</i> .....	
*11	
<i>Hog Bay: Entire shoreline within the community</i> .....	
*11	
<i>Georges Pond: Entire shoreline within the community</i> .....	
*164	
<i>Great Pond: Entire shoreline within the community</i> .....	
*55	
<i>Donnell Pond: Entire shoreline within the community</i> .....	
*119	
<b>Maps available for inspection at the Town Office, Franklin, Maine</b>	
Send comments to The Honorable Joseph Havey, First Selectman of the Town of Franklin, Hancock County, Town Office, Box 275A, Franklin, Maine 04634.	
<b>Glenburn (town), Penobscot County</b>	
<i>Pushaw Lake: Entire shoreline within community</i> .....	
*121	
<b>Maps available for inspection at the Town Office, Bangor, Maine.</b>	
Send comments to The Honorable Peter Chase, Glenburn Town Manager, Penobscot County, R.F.D. 1, Box 1375, Bangor, Maine 04401.	
<b>Houlton (town), Aroostook County</b>	
<i>Meduxnekeag River:</i>	
Approximately 1,875 feet downstream of Lowery Road.....	*299
Approximately 330 feet upstream of upstream corporate limits.....	*379
<i>B Stream:</i>	
At confluence with Meduxnekeag River.....	*332
Approximately 110 feet upstream of "B" Road.....	*390
<i>Pearce Brook:</i>	
At confluence with Meduxnekeag River.....	*330
Approximately 0.7 mile upstream of Hollywood Road.....	*467
<i>Brown Brook:</i>	
At confluence with Pearce Brook.....	*363
Approximately 35 feet upstream of upstream crossing of U.S. Route 1.....	*403
<b>Maps available for inspection at the Town Office, 21 Water Street, Houlton, Maine.</b>	
Send comments to The Honorable Dale Lowe, Chairman of the Houlton Town Council, Aroostook County, Town Office, 21 Water Street, Houlton, Maine 04730.	
<b>Livermore Falls (town), Androscoggin County</b>	
<i>Androscoggin River:</i>	
Downstream corporate limits (County boundary).....	*291
Upstream corporate limits.....	*332
<b>Maps available for inspection at the Town Office, Livermore Falls, Maine.</b>	
Send comments to The Honorable Maxine L. Bailey, Livermore Falls Town Manager, Androscoggin County, 2 Main Street, Livermore Falls, Maine 04254.	



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
<b>Lubec (town), Washington County</b>	
Atlantic Ocean <i>Grand Manan Channel</i> :	
Along southwest shoreline of Baileys Mistake.....	*15
Along east shoreline of Jims Head.....	*44
<i>Cobscook Bay</i> :	
Entire shoreline of Dudley Island.....	*15
Along shoreline at Youngs Point.....	*20
Maps available for inspection at the Town Office, 40 School Street, Lubec, Maine.	
Send comments to The Honorable John Hamp- ton, Chairman of the Town of Lubec Board of Selectmen, Washington, County, Town Office, 40 School Street, Lubec, Maine 04652.	
<b>Machiasport (town), Washington County</b>	
Atlantic Ocean <i>Machias Bay</i> :	
Along shoreline of Pettagrow Cove.....	*12
Along east shoreline of Howard Point.....	*20
<i>Little Kennebec Bay</i> :	
Along shoreline at Spruce Cove.....	*12
Along west shoreline of Point of Main.....	*17
Maps available for inspection at the town Of- fices, Machiasport, Maine	
Send comments to The Honorable William Holms, Jr., First Selectman of the Town of Machia- sport, Washington, County, P.O. Box 295, Ma- chiasport, Maine 04655.	
<b>North Haven (town), Knox County</b>	
Atlantic Ocean <i>West Penobscot Bay</i> :	
Along shoreline at Wooster Cove.....	*23
Along shoreline of Mill Stream.....	*10
<i>East Penobscot Bay</i> :	
Along shoreline at Marsh Cove.....	*13
At Mullen Head.....	*15
<i>Fox Islands Thorofare</i> :	
Along shoreline at Cubby Hole.....	*11
At Crabtree Point.....	*16
Maps available for inspection at the town Office, North Haven, Maine.	
Send comments to The Honorable James Davi- son, Chairman of the Town of North Haven Board of Selectmen, Knox County, Town Office, North Haven, Maine 04853.	
<b>Penobscot (town), Hancock County</b>	
<i>Clements Stream</i> :	
Confluence with Penobscot River.....	*10
Approximately 420 feet upstream of State Route 166.....	*26
<i>Mill Brook</i> :	
Confluence with Northern Bay.....	*11
Approximately 0.5 mile upstream of State Routes 175 and 199.....	*67
<i>Unnamed Stream</i> :	
Approximately 80 feet upstream of confluence with Penobscot River.....	*10
Approximately 550 feet upstream of State Route 166.....	*36
<i>Atlantic Ocean Penobscot River</i> :	
At confluence with Clements Stream.....	*10
Approximately 1,000 feet west of intersection of State Routes 166 and 175.....	*16
<i>Northern Bay</i> : Entire shoreline within community.....	*11
<i>Bagaduce River</i> : Entire shoreline within commu- nity.....	*11
<i>Toddy Pond</i> : Entire shoreline within community.....	*165
Maps available for inspection at the Penobscot Town Hall, Penobscot, Maine	
Send comments to The Honorable James Henry, First Selectman of the Town of Penobscot, Hancock County, Town Hall, Box 4, Penobscot, Maine 04476.	
<b>Somerville (town), Lincoln County</b>	
<i>James Pond</i> : Entire shoreline within community.....	*200
<i>Long Pond</i> : Entire shoreline within community.....	*187

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
<i>Sheepscot River</i> :	
At confluence with Long Pond.....	*187
Approximately 1 mile upstream of State Route 105.....	*200
Maps available for inspection at the Town Clerk's Office, Jefferson, Maine.	
Send comments to The Honorable Paul Mateo- sian, Chairman of the Town of Someville board of Selectmen, Lincoln, County, R.F.D., Jeffer- son, Maine 04348.	
<b>Stetson (town), Penobscot County</b>	
<i>Pleasant Lake</i> : Entire shoreline within community....	*240
Maps available for inspection at the Town Of- fices, Stetson, Maine.	
Send comments to The Honorable A. Clayton Brown, Chairman of the Town of Stetson Board of Selectmen, Penobscot County, P.O. Box 85, Stetson, Maine 04488.	
<b>MASSACHUSETTS</b>	
<b>Becket (town), Berkshire County</b>	
<i>Yokum Brook</i> :	
At Maple Street.....	*1,199
Approximately 20 feet upstream of upstream crossing of State Route 8.....	*1,450
<i>Walker Brook</i> :	
Approximately 15 feet downstream of U.S. Route 20.....	*1,279
At downstream side of State Route 8.....	*1,287
<i>Robinhood Lake</i> : Entire shoreline within communi- ty.....	*1,533
Maps available for inspection at the Town Clerk's Vault, Town Hall, Becket, Massachu- setts.	
Send comments to The Honorable Robert Friberg, Chairman of the Town of Becket Board of Selectmen, Berkshire County, Washington Street, Becket, Massachusetts 01223.	
<b>Savoy (town), Berkshire County</b>	
<i>Westfield River-Savoy Hollow Brook</i> :	
Approximately 50 feet downstream of Griffin Hill Road.....	*1,692
Approximately 75 feet upstream of State Route 8A.....	*1,824
Maps available for inspection at the Town Clerk's Vault, Main Road, Savoy, Massachu- setts.	
Send comments to The Honorable Mark T. Bugby, Chairman of the Town of Savoy Board of Selectmen, Berkshire County, Town Hall, Main Road, Savoy, Massachusetts 01256.	
<b>NEW HAMPSHIRE</b>	
<b>Bath (town), Grafton County</b>	
<i>Ammonoosuc River</i> :	
At confluence with Connecticut River.....	*428
Approximately 2.1 miles upstream of confluence of Pettyboro Brook.....	*555
Maps available for inspection at the Town Office, Bath, New Hampshire.	
Send comments to The Honorable Linda Wright, Chairperson of the Town of Bath Board of Selectmen, Grafton County, P.O. Box 85, Bath, New Hampshire 03740.	
<b>Bradford (town), Merrimack County</b>	
<i>Warner River</i> :	
At downstream corporate limits.....	*642
Approximately 175 feet upstream of State Route 114.....	*645
<i>Lake Massasecum</i> : Entire shoreline within commu- nity.....	*644
<i>Todd Lake</i> : Entire shoreline within community.....	*676
Maps available for inspection at the Town Office, Bradford, New Hampshire.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
Send comments to The Honorable Joseph Bat- ties, Chairman of the Town of Bradford Board of Selectmen, Merrimack County, Town Office, Bradford, New Hampshire 03221.	
<b>Lyme (town), Grafton County</b>	
<i>Connecticut River</i> :	
At the downstream corporate limits.....	*397
At the upstream corporate limits.....	*408
<i>Hewes Brook</i> :	
At the downstream side of State Route 10.....	*663
Approximately 275 feet upstream of Bliss Road.....	*847
<i>Grant Brook</i> :	
At State Route 10.....	*484
Approximately 50 feet upstream of Dorchester Road.....	*794
<i>Clay Brook</i> :	
At North Thetford Road.....	*426
Approximately .6 mile upstream of North Thet- ford Road.....	*436
<i>Trout Brook</i> :	
Approximately .3 mile downstream of State Route 10.....	*436
Approximately 125 feet upstream of Pinnacle Road.....	*690
Maps available for inspection at the Town Clerk's Vault, Town Office, Lyme, New Hamp- shire.	
Send comments to Mr. Donald Cutter, First Se- lectman of the Town of Lyme, Grafton County, Town Office, Lyme, New Hampshire 03768.	
<b>New London (town), Merrimack County</b>	
<i>Sunapee Lake</i> : Entire shoreline within the commu- nity.....	*1,095
<i>Otter Pond</i> : Entire shoreline within the community....	*1,129
Maps available for inspection at the Select- men's Office, New London, New Hampshire.	
Send comments to The Honorable James More- land, Chairman of the Town of New London Board of Selectmen, Merrimack County, P.O. Box 240, New London, New Hampshire 03257.	
<b>NEW YORK</b>	
<b>Freedom (town), Cattaraugus County</b>	
<i>Clear Creek</i> :	
At Bray Road.....	*1,532
At upstream crossing of State Route 98.....	*1,759
Maps available for inspection at the Town Clerk's Office, 1170 Eagle Street, Sandusky, New York.	
Send comments to The Honorable Ronald Ash- worth, Supervisor of the Town of Freedom, Cattaraugus County, P.O. Box 89, 1170 Eagle Street, Sandusky, New York, 14133.	
<b>Manlius (town), Onondaga County</b>	
<i>Pools Brook</i> :	
At County boundary.....	*408
At downstream side of Erie Canal.....	*428
At upstream side of Erie Canal.....	*426
Approximately 1,600 feet upstream of State Route 5.....	*532
<i>Bishop Brook</i> :	
At Salt Springs Road.....	*605
At confluence of North Branch and South Branch of Bishop Brook.....	*839
<i>North Branch Bishop Brook</i> :	
At confluence with Bishop Brook.....	*839
Approximately 350 feet upstream of Palmer Road.....	*1,239
<i>South Branch Bishop Brook</i> :	
At confluence with Bishop Brook.....	*839
Approximately .6 mile upstream of South Eagle Village Road.....	*1,072
<i>Crane Brook</i> :	
At confluence with South Branch Bishop Brook....	*881
Approximately 1.08 miles upstream of conflu- ence with South Branch Bishop Brook.....	*1,007



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
<b>Eagle Brook:</b>	
At confluence with North Branch Bishop Brook.....	*1,093
Approximately .8 mile upstream of confluence with North Branch Bishop Brook.....	*1,171
<b>Round Lake:</b> For its entire shoreline within the community.....	*423
<b>Green Lake:</b> for its entire shoreline within the community.....	*420
<b>Maps available for inspection at the Manlius Town Hall, Fayetteville, New York.</b>	
Send comments to The Honorable Richard L. Lowenberg, Supervisor of the Town of Manlius, Onondaga County, 301 Brooklea Drive, Box 9, Fayetteville, New York 13066.	
<b>Southport (town), Chemung County</b>	
<b>South Creek Tributary:</b>	
At confluence with South Creek.....	*916
Approximately 0.7 mile upstream of Miller Hill Road.....	*1,290
<b>Maps available for inspection at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York.</b>	
Send comments to The Honorable Robert Masia, Supervisor of the Town of Southport, Chemung County, 1139 Pennsylvania Avenue, Elmira, New York 14904.	
<b>OHIO</b>	
<b>Blanchester (village), Clinton County</b>	
<b>Stonick Creek:</b>	
About 1700 feet downstream of Wright Street.....	*956
About 1.2 miles upstream of Wright Street.....	*978
<b>Maps available for inspection at the Village Hall, 101 East Main Street, Blanchester, Ohio.</b>	
Send comments to The Honorable Lee Miller, Mayor, Village of Blanchester, 101 East Main Street, Blanchester, Ohio 45107.	
<b>Delphos (city), Allen and Van Wert Counties</b>	
<b>Jennings Creek:</b>	
Just upstream of Pohlman Road.....	*761
About 2650 feet upstream of Norfolk Southern Railway.....	*773
<b>Flat Fork Creek:</b>	
About 2100 feet downstream of Seventh Street.....	*763
About 2000 feet upstream of Spencerville Avenue.....	*776
<b>Maps available for inspection at the City Hall, 608 North Canal, Delphos, Ohio.</b>	
Send comments to The Honorable Harold Weig- ing, Mayor, City of Delphos, 608 North Canal, Delphos, Ohio 45833.	
<b>Hancock County (unincorporated areas)</b>	
<b>Blanchard River:</b>	
Just upstream of County Route 16.....	*749
Just downstream of County Route 2.....	*873
<b>Eagle Creek:</b>	
Just upstream of Sixth Street.....	*784
Just upstream of Township Road 32.....	*861
<b>Lyle Creek:</b>	
Just upstream of Williams Street.....	*780
About 0.9 mile upstream of County Route 205.....	*787
<b>Howard Run:</b>	
About 800 feet downstream of County Route 95.....	*794
About 1150 feet upstream of County Route 95.....	*796
<b>Maps available for inspection at the County Courthouse, 300 South Main Street, Findley, Ohio.</b>	
Send comments to The Honorable William Recker, President, Board of Commissioners, Hancock County, 300 South Main Street, Fin- dley, Ohio 45840.	
<b>Monroe (village), Butler and Warren Counties</b>	
<b>Shaker Creek:</b>	
Just upstream of Conrail.....	*653

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
About 1.4 miles upstream of Union Road.....	*668
<b>Millers Creek:</b>	
About 1400 feet downstream of Cincinnati Dayton Road.....	*653
About 0.5 mile upstream of State Route 63.....	*675
<b>Maps available for inspection at the Village Hall, 233 South Main Street, Monroe, Ohio.</b>	
Send comments to The Honorable Elbert Tann- reathur, Mayor, Village of Monroe, 233 South Main Street, Monroe, Ohio.	
<b>Pickerington (village), Fairfield and Franklin Counties</b>	
<b>Georges Creek:</b>	
About 550 feet downstream of Long Road.....	*793
About 2900 feet upstream of Long Road.....	*807
<b>Blacklick Creek:</b>	
About 1.52 miles downstream of Tussing Road.....	*804
About 1500 feet upstream of Tussing Road.....	*829
<b>Sycamore Creek:</b>	
About 2350 feet downstream of Hill Road South.....	*813
About 750 feet upstream of Conrail.....	*843
<b>Sycamore Creek Overflow:</b>	
Just downstream of Conrail.....	*833
About 2550 feet upstream of Conrail.....	*842
<b>Maps available for inspection at the Village Hall, 500 Herford Drive, Pickerington, Ohio.</b>	
Send comments to The Honorable Rita Ricketts, Mayor, Village of Pickerington, 500 Herford Drive, Pickerington, Ohio 43147.	
<b>Salineville (village), Columbiana and Jefferson Counties</b>	
<b>Riley Run:</b>	
Just upstream of Haiti Road.....	*865
About 4150 feet upstream of Salineville Road.....	*950
<b>Nancy Run:</b>	
At mouth.....	*876
Just downstream of upstream Conrail railroad.....	*889
<b>Maps available for inspection at the Village Hall, 38 Washington Street, Salineville, Ohio.</b>	
Send comments to The Honorable Stanley Fitch, Mayor, Village of Salineville, 38 Washington Street, Salineville, Ohio 43945.	
<b>OKLAHOMA</b>	
<b>Kingfisher County (unincorporated areas)</b>	
<b>Kingfisher Creek (Lower Reach):</b>	
Approximately 0.9 mile downstream of U.S. Route 81 (Main Street).....	*1,040
Approximately 1.55 miles upstream of State Routes 3 and 33.....	*1,073
<b>Kingfisher Creek (Upper Reach):</b>	
Approximately 1.4 miles downstream of Un- named Road.....	*1,148
Approximately 0.8 mile upstream of Unnamed Road.....	*1,163
<b>Kingfisher Creek Tributary A:</b>	
At confluence with Kingfisher Creek.....	*1,054
At Will Rogers Drive.....	*1,073
<b>Dead Indian Creek:</b>	
At confluence with Kingfisher Creek.....	*1,057
At Will Rogers Drive.....	*1,063
<b>Kingfisher Creek Tributary B:</b>	
At confluence with Kingfisher Creek.....	*1,066
Approximately 1.3 miles upstream of confluence with Kingfisher Creek.....	*1,075
<b>Cooper Creek:</b>	
Approximately 1.18 miles downstream of 1st Street.....	*1,107
Approximately 1.22 miles upstream of 1st Street.....	*1,122
<b>Cimarron River:</b>	
Approximately 1.7 miles upstream of confluence of Turkey Creek at low flow.....	*1,037
Approximately 1,750 feet downstream of U.S. Route 81.....	*1,124
<b>Turkey Creek (Main Channel):</b>	
At confluence with Cimarron River at high flow (approximately 1.6 miles downstream of Boundary Street).....	*1,034

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Approximately 0.7 mile upstream of Boundary Street.....	*1,041
<b>Turkey Creek-West Overflow (west of railroad tracks):</b>	
Approximately 1.3 miles downstream of U.S. Route 81.....	*1,024
Approximately .5 mile upstream of Red Fork Drive.....	*1,041
<b>Turkey Creek-East Overflow (east of railroad tracks):</b>	
Approximately 1.7 miles downstream of corpo- rate limits.....	*1,024
At corporate limits.....	*1,032
<b>Uncle John's Creek:</b>	
At confluence with Kingfisher Creek.....	*1,042
Approximately 0.3 mile upstream of Oklahoma Avenue.....	*1,049
<b>Maps available for inspection at the Kingfisher County Courthouse, Kingfisher, Oklahoma.</b>	
Send comments to The Honorable Robert Lovett, Kingfisher County Judge, 101 S. Main, Room 3, Kingfisher, Oklahoma 73750.	
<b>PENNSYLVANIA</b>	
<b>Austin (borough), Potter County</b>	
<b>Freeman Run:</b>	
Approximately 400 feet downstream of down- stream corporate limits.....	*1,311
Approximately 1.5 miles upstream of State Route 607.....	*1,441
<b>West Branch of Freeman Run:</b>	
At confluence with Freeman Run.....	*1,327
At upstream corporate limits.....	*1,446
<b>Maps available for inspection at the Borough Office, Austin, Pennsylvania, call secretary for appointment (814) 647-8686.</b>	
Send comments to The Honorable Aaron Haskin, President of the Austin Borough Council, Potter County, Turner Street, Austin, Pennsylvania 16720.	
<b>Brown (township), Mifflin County</b>	
<b>Kishacoquillas Creek:</b>	
At downstream corporate limits.....	*570
Approximately 0.9 mile upstream of West Rail- road Street.....	*611
<b>Tea Creek:</b>	
At confluence with Kishacoquillas Creek.....	*593
Approximately 800 feet upstream of State Route 1005 (Reedsville Road).....	*643
<b>Honey Creek:</b>	
At confluence with Kishacoquillas Creek.....	*593
At upstream corporate limits.....	*622
<b>Maps available for inspection at the Township Building, Brown, Pennsylvania.</b>	
Send comments to The Honorable Ray C. Fultz, Sr., Chairman of the Township of Brown Board of Supervisors, Mifflin County, R.D. 2, Box 75, Reedsville, Pennsylvania 17084-9699.	
<b>Connellsville (township), Fayette County</b>	
<b>Youghiogheny River:</b>	
At the downstream corporate limits.....	*863
At the upstream corporate limits.....	*944
<b>Galley Run:</b>	
At the downstream corporate limits.....	*864
Approximately 260 feet upstream of CSX Trans- portation Bridge.....	*872
<b>Mounts Creek:</b>	
At the downstream corporate limits.....	*886
At the confluence of Whites Run.....	*927
<b>Maps available for inspection at the Secre- tary's Office, 604 Rodgers Avenue, Connells- ville, Pennsylvania.</b>	
Send comments to The Honorable Janice Fos- brink, Chairperson for the Township of Con- nellsville Board of Supervisors, Fayette County, P.O. Box 645, Connellsville, Pennsylvania 15425.	



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Eulalia (township), Potter County</b>	
<i>Mill Creek:</i>	
At downstream corporate limits	*1,716
Approximately .3 mile upstream of State Route 3006	*1,753
<b>Maps available for inspection</b> at the Township Secretary's Residence, call for an appointment (814) 274-8102.	
Send comments to The Honorable James Lane, Chairman of the Township of Eulalia, Potter County, R.D. 1, Coudersport, Pennsylvania 16915.	
<b>Osceola (township), Tioga County</b>	
<i>Cowanesque River:</i>	
At downstream corporate limits	*1,147
Approximately 750 feet upstream of upstream corporate limits	*1,185
<b>Maps available for inspection</b> at the Township Office, Main Street, Osceola, Pennsylvania.	
Send comments to The Honorable Thomas E. Brian, Jr., Chairman of the Township of Osceola Board of Supervisors, Tioga County, P.O. Box 197, Osceola, Pennsylvania 16942.	
<b>Pike (township), Potter County</b>	
<i>Pine Creek:</i>	
At downstream corporate limits	*1,341
At upstream corporate limits	*1,482
<b>Maps available for inspection</b> at the Secretary's Residence, 72 Clinton Street, Galeton, Pennsylvania. Call for appointment at (814) 848-7575.	
Send comments to The Honorable David G. Shoonover, Chairman of the Township of Pike Board of Supervisors, Potter County, R.D. 1, Box 39B, Ulysses, Pennsylvania 16948.	
<b>Roulette (township), Potter County</b>	
<i>Allegheny River:</i>	
Approximately 1,000 feet downstream of confluence of Burt Hollow	*1,510
Approximately 160 feet upstream of confluence of Trout Brook	*1,549
<b>Maps available for inspection</b> at the Township Office, Railroad Avenue and Ought Street, Roulette, Pennsylvania.	
Send comments to The Honorable William H. Grandin, Chairman of the Township of Roulette Board of Supervisors, Potter County, P.O. Box 231, R.D. 1, Roulette, Pennsylvania 16746.	
<b>Scrubgrass (township), Venango County</b>	
<i>Allegheny River:</i>	
At downstream corporate limits	*880
Approximately 500 feet upstream of upstream corporate limits	*931
<b>Maps available for inspection</b> at the Secretary's Home, R.D. #3, Emlenton, Pennsylvania.	
Send comments to The Honorable William Bell, Chairman of the Township of Scrubgrass Board of Supervisors, Venango County, R.D. #2, Emlenton, Pennsylvania 16373.	
<b>Sharon (township), Potter County</b>	
<i>Oswayo Creek:</i>	
Approximately 1,260 feet downstream of T-386	*1,482
Approximately 1,480 feet upstream of the upstream corporate limits	*1,572
<i>Honeoye Creek:</i>	
At downstream corporate limits	*1,478
Approximately 0.6 mile upstream of State Route 4014	*1,488
<b>Maps available for inspection</b> at the Township Hall, Millport, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Send comments to The Honorable John Stilson, Chairman of the Township of Sharon Board of Supervisors, Potter County, P.O. Box 96 R.D. 1, Shinglehouse, Pennsylvania 16748.	
<b>Shinglehouse (borough), Potter County</b>	
<i>Oswayo Creek:</i>	
At the downstream corporate limits	*1,471
Approximately 1,100 feet upstream of the upstream corporate limits	*1,484
<i>Honeoye Creek:</i>	
At the confluence with Oswayo Creek	*1,475
At the upstream corporate limits	*1,478
<b>Maps available for inspection</b> at the Borough Office, 40 Honeoye Street, Shinglehouse, Pennsylvania. Call secretary for appointment at (814) 697-6711.	
Send comments to The Honorable James Marzo, President of the Borough of Shinglehouse Council, Potter County, 40 Honeoye Street, Shinglehouse, Pennsylvania 16748.	
<b>Sweden (township), Potter County</b>	
<i>Mill Creek:</i>	
Approximately 350 feet downstream of downstream corporate limits	*1,750
Approximately 1,550 feet upstream of State Route 44	*1,802
<b>Maps available for inspection</b> at the Township Secretary's Residence, call for an appointment (814) 274-8829.	
Send comments to The Honorable Wayne Irish, Chairman of the Township of Sweden Board of Supervisors, Potter County, R.D. 1, Coudersport, Pennsylvania 16915.	
<b>Valley (township), Montour County</b>	
<i>Indian Creek:</i>	
At confluence with Mauses Creek	*505
At Township Route 371	*609
<i>Mauses Creek:</i>	
Approximately 1,200 feet downstream of State Routes 642 and 45	*488
Approximately 300 feet upstream of confluence with Indian Creek	*506
<b>Maps available for inspection</b> at the Township Building, Indian Run Road, Valley, Pennsylvania.	
Send comments to The Honorable Calvin Megargel, Chairman of the Township of Valley Board of Supervisors, Montour County, 1305 Continental Boulevard, Danville, Pennsylvania 17821.	
<b>SOUTH CAROLINA</b>	
<b>Dillon County (unincorporated areas)</b>	
<i>Maple Swamp:</i>	
About 500 feet downstream of 1st Avenue	*105
About 325 feet upstream of CSX railroad	*138
<i>Catfish Canal:</i>	
About 350 feet downstream of U.S. Route 301	*87
Just upstream of State Highway 151	*97
<i>Ropers Mill Branch:</i>	
At mouth	*102
Just downstream of CSC railroad	*119
Just upstream of CSX railroad	*128
Just upstream of State Highway 195	*128
<i>Little Pee Dee River:</i>	
About 2000 feet downstream of State Route 9	*88
About 1.4 miles upstream of Interstate 95	*103
<b>Maps available for inspection</b> at the County Courthouse, Dillon, South Carolina.	
Send comments to the Honorable Claude W. Graham, County Administrator, Dillon County, P.O. Box 449, Dillon, South Carolina 29536.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>TEXAS</b>	
<b>Bastrop (city), Bastrop County</b>	
<i>Colorado River:</i>	
Approximately .5 mile downstream of State Route 71	*352
At confluence of Piney Creek	*354
<i>Gills Branch:</i>	
Approximately 700 feet upstream of the confluence with the Colorado River	*353
Approximately 1,600 feet upstream of Farm Street	*397
Shallow Flooding: East of Missouri-Kansas Railroad from Gills Branch to Cedar Street	#2
<b>Maps available for inspection</b> at the Bastrop City Hall, Bastrop, Texas.	
Send comments to the Honorable David Lock, Mayor of the City of Bastrop, Bastrop County, P.O. Box 427, Bastrop, Texas 78602.	
<b>Bastrop County (unincorporated areas)</b>	
<i>Colorado River:</i>	
Approximately 4.2 miles downstream of Missouri-Kansas-Texas Railroad	*339
Approximately 9.6 miles upstream of Loop 150	*369
<i>Cedar Creek:</i>	
Approximately 1.1 miles downstream of FM 535	*410
Approximately 3.7 miles upstream of FM 535	*432
<i>Gills Branch:</i>	
At the confluence with Colorado River	*353
Approximately 1,300 feet upstream of confluence with Colorado River	*353
<b>Maps available for inspection</b> at the County Courthouse, 804 Pecan, Bastrop, Texas.	
Send comments to the Honorable Jimmy Copeland, Bastrop County Judge, 804 Pecan, Bastrop, Texas 78602.	
<b>Brazos County (unincorporated areas)</b>	
<i>Navasota River:</i>	
At confluence with the Brazos River	*189
At State Route OSR	*271
<i>Wickson Creek:</i>	
Approximately 2.8 miles downstream of Elmo Wheldon Road	*223
Approximately 800 feet upstream of Dilly Shaw Road	*298
<i>Little Wickson Creek:</i>	
At confluence with Wickson Creek	*284
Approximately 0.7 mile upstream of Dilly Shaw Road	*315
<i>Mathis Creek:</i>	
At confluence with Wickson Creek	*261
Approximately 0.78 mile upstream of State Route 190	*293
<i>Carters Creek:</i>	
At confluence with Navasota River	*208
Approximately 1.1 mile upstream of Old Reliance Road	*322
<b>Maps available for inspection</b> at the County Courthouse, 300 East 26th Street, Bryan, Texas.	
Send comments to the Honorable R. J. Holmgren, Brazos County Judge, Brazos County Courthouse, 300 East 26th Street, Bryan, Texas 77803.	
<b>Kaufman County (unincorporated area)</b>	
<i>Buffalo Creek (North):</i>	
At FM 740	*406
Approximately 2.5 miles upstream of FM 740	*429
<i>Buffalo Creek (south):</i>	
Approximately 2,000 feet downstream of FM 2932	*438
Approximately .5 mile upstream of Interstate 20	*443
<i>Big Brushy Creek:</i>	
At FM 148 and FM 1641	*423
Approximately 200 feet upstream of FM 548	*476
<i>Kings Creek (Upper Reach):</i>	



PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
Approximately 1,200 feet downstream of the confluence with Hardin Branch.....	*450
Approximately 100 feet downstream of College Mound Road.....	*458
<b>Hardin Branch:</b>	
At confluence with Kings Creek (Upper Reach).....	*452
At upstream side of State Route 429.....	*466
<b>Greasy Creek:</b>	
Approximately 1,050 feet downstream of County boundary.....	*472
At FM 986.....	*539
<b>Duck Creek:</b>	
Approximately 2,000 feet downstream of County boundary.....	*454
Approximately 1,800 feet upstream of FM 2728.....	*485
<b>Kings Creek (Lower Reach):</b>	
Approximately 1/2 mile upstream of confluence with Big Cottonwood.....	*353
Approximately 2.6 miles upstream of FM 1388.....	*375
<b>Prairie Branch:</b>	
Approximately 2,000 feet upstream of confluence with Big Cottonwood Creek.....	*367
Upstream side of U.S. Route 175.....	*407
<b>Walnut Creek:</b>	
At the confluence with Cedar Creek.....	*349
Approximately 2.2 miles upstream of confluence with Cedar Creek.....	*370
<b>Cedar Creek:</b>	
Approximately 1.7 mile downstream of confluence of Walnut Creek.....	*341
At the confluence of Walnut Creek.....	*349
<b>Lacy Fork:</b>	
Approximately 650 feet upstream of U.S. Route 175.....	*323
Approximately 1.9 mile upstream of U.S. Route 175.....	*333
<b>Maps available for inspection at the County Courthouse, Kaufman, Texas.</b>	
Send comments to The Honorable Maxine Darst, Kaufman County Judge, County Courthouse, Kaufman, Texas 75142.	
<b>VERMONT</b>	
<b>Bethel (town), Windsor County</b>	
<b>White River:</b>	
At downstream corporate limits.....	*533
At upstream corporate limits.....	*580
<b>Second Branch White River:</b>	
Approximately 650 feet downstream of downstream corporate limits.....	*526
At upstream corporate limits.....	*546
<b>Third Branch White River:</b>	
At confluence with White River.....	*541
Approximately 1,200 feet upstream of upstream corporate limits.....	*607
<b>Maps available for inspection at the Town Clerk's Office, Town Hall, Bethel, Vermont.</b>	
Send comments to The Honorable Delbert Cloud, Manager of the Town of Bethel, Windsor County, R.R. 1, Box 335, Bethel, Vermont 05032.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
<b>Glover (Town), Orleans County</b>	
<b>Barton River:</b>	
At the downstream corporate limits.....	*889
Approximately 150 feet upstream of Steep Hill Road.....	*1,168
<b>Maps available for inspection at the Town Clerk's Office, Glover, Vermont.</b>	
Send comments to The Honorable Lawrence White, Chairman of the Town of Glover Board of Selectmen, Orleans County, Town Office, P.O. Box 226, Glover, Vermont 05839.	
<b>Randolph (town), Orange County</b>	
<b>Third Branch White River:</b>	
Approximately 2.0 miles downstream of confluence of Trout Brook.....	*606
Approximately 300 feet upstream of Central Vermont Railroad.....	*675
<b>Second Branch White River:</b>	
Approximately 0.4 mile downstream of confluence of Kingsbury Brook.....	*547
Approximately 0.5 mile upstream of confluence of Shows Brook.....	*664
<b>Ayers Brook:</b>	
At confluence with Third Branch White River.....	*632
Approximately 2.0 miles upstream of Peth Road Bridge.....	*699
<b>Maps available for inspection at the Town Clerk's Vault, Randolph, Vermont.</b>	
Send comments to The Honorable Ken Minier, Randolph Town Manager, Orange County, Town Office, Randolph, Vermont 03060.	
<b>Rochester (town), Windsor County</b>	
<b>White River:</b>	
At downstream corporate limits.....	*754
At upstream corporate limits.....	*873
<b>West Branch White River:</b>	
At confluence with White River.....	*821
Approximately 2 miles upstream of State Route 73.....	*987
<b>Maps available for inspection at the Town Office, Rochester, Vermont.</b>	
Send comments to The Honorable Pierre Donnet, Chairman of the Town of Rochester Board of Selectmen, Windsor County, Town Office, P.O. Box 238, Rochester, Vermont 05767.	
<b>VIRGINIA</b>	
<b>Clintwood (town), Dickenson County</b>	
<b>Holly Creek:</b>	
Approximately 550 feet downstream of Long Street.....	*1,742
Just downstream of State Route 631 (British Creek Road).....	*1,772
<b>Maps available for inspection at the Town Hall, Main Street, Clintwood, Virginia</b>	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—  
Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
Send comments to The Honorable Don Baker, Mayor of the Town of Clintwood, Dickenson County, P.O. Box 456, Clintwood, Virginia 24288.	
<b>WISCONSIN</b>	
<b>Oneida County (unincorporated areas)</b>	
<b>Wisconsin River:</b>	
About 5,000 feet downstream of confluence of Pelican River.....	*1,526
Just downstream of County Highway D.....	*1,578
<b>Pelican River:</b>	
About 600 feet upstream of mouth.....	*1,527
About 1.5 miles upstream of Germond Road.....	*1,531
<b>Tomahawk River:</b>	
About 4,000 feet downstream of confluence of Rocky Run.....	*1,487
About 1.3 miles upstream of confluence of Rocky Run.....	*1,494
<b>Maps available for inspection at the County Courthouse, Rhinelander, Wisconsin.</b>	
Send comments to The Honorable Tony Lorbetske, Chairman, County Board, Oneida County, P.O. Box 400, Rhinelander, Wisconsin 54501.	
<b>Rhinelander (city), Oneida County</b>	
<b>Wisconsin River:</b>	
About 3,850 feet downstream of confluence of Pelican River.....	*1,526
Just downstream of Rhinelander Dam.....	*1,546
Just downstream of Rhinelander Dam.....	*1,558
<b>Pelican River:</b>	
At mouth.....	*1,527
About 2,100 feet upstream of Oneida Avenue.....	*1,527
<b>Maps available for inspection at the City Hall, 135 S. Stevens Street, Rhinelander, Wisconsin.</b>	
Send comments to The Honorable Joseph E. Bloom, Mayor, City of Rhinelander, P.O. Box 658, 135 S. Stevens Street, Rhinelander, Wisconsin 54501.	
<b>Sturgeon Bay (city), Door County</b>	
<b>Little Creek:</b>	
At mouth.....	*585
Just upstream of Michigan Street.....	*605
<b>Sturgeon Bay:</b>	
Within community.....	*585
<b>Maps available for inspection at the City Hall, 36 S. Third Avenue, Sturgeon Bay, Wisconsin.</b>	
Send comments to The Honorable Norbert D. Schachtner, Mayor, City of Sturgeon Bay, 36 S. Third Avenue, Sturgeon Bay, Wisconsin 54235.	

The proposed modified base (100-year) flood elevations for selected locations are:

## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona.....	Town of Buckeye, Maricopa County.	Gila River.....	At Palo Verde Road.....	*811	*808
			Immediately upstream of State Highway 85-U.S. Highway 80.	*827	*830
			At Miller Road.....	*838	*840
			At Rainbow Road.....	*857	*858
			At Airport Road.....	*869	*871
			Approximately 2,000 feet downstream of 195th Avenue.	*879	*880



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At 195th Avenue.....	*880	*882
			Approximately 3,750 feet upstream of 195th Avenue.....	*884	*886
			Approximately 550 feet upstream of Perryville Road (extended).....	*886	*888
		Hassayampa River.....	At intersection of Bruner Road and Narramore Road.....	None	*813
			Just upstream of Old U.S. Highway 80.....	None	*843
			Just upstream of Southern Pacific Railroad.....	None	*873
			At Base Line Road.....	None	*890
			Approximately 2.9 miles downstream of Interstate Highway 10.....	None	*960

Maps are available for review at the Town Hall, 100 North Apache Road, Buckeye, Arizona.

Send comments to The Honorable Joseph Schettino, Mayor, Town of Buckeye, Town Hall, 100 North Apache Road, Buckeye, Arizona 85326.

Arizona.....	Town of Carefree, Maricopa County.	Galloway Wash.....	Approximately 140 feet downstream of Scopa Trail.....	*2,310	*2,311
			At Tranquil Trail.....	*2,373	*2,374
		Galloway Wash Middle Branch.....	At confluence with Galloway Wash.....	None	*2,395
			At Mule Train Road.....	None	*2,437
		Galloway Wash Lower Branch.....	Approximately 100 feet upstream of intersection of Pima Road and Cow Tract Drive.....	None	*2,596
			Approximately 60 feet upstream of confluence with Galloway Wash.....	None	*2,396
			Just upstream of Carefree Drive.....	None	*2,438
			At Pima Road.....	None	*2,583

Maps are available for review at the Town Hall, 11 Sundial Circle, Carefree, Arizona.

Send comments to The Honorable David Dennison, Mayor, Town of Carefree, Town Hall, P.O. Box 740, Carefree, Arizona 85377.

Arizona.....	Town of Cave Creek, Maricopa County.	Galloway Wash.....	Approximately 440 feet downstream of Scopa Trail.....	*2,304	*2,304
			Approximately 180 feet downstream of Scopa Trail.....	*2,309	*2,310

Maps are available for review at the Town Hall, 37622 North Cave Creek Road, Cave Creek, Arizona.

Send comments to The Honorable Jacqueline Davis, Mayor, Town of Cave Creek, Town Hall, P.O. Box 330, Cave Creek, Arizona 85331.

Arizona.....	City of Goodyear, Maricopa County.	Gila River.....	At 195th Avenue.....	*880	*882
			Approximately 550 feet upstream of Perryville Road (extended).....	*886	*888
			Approximately 5,600 feet upstream of Perryville Road (extended).....	*891	*892
			Approximately 300 feet upstream of Sarival Lane.....	*904	*904
			Approximately 300 feet downstream of Reema Road.....	*910	*910
			Approximately 200 feet upstream of Bullard Avenue.....	*916	*916
		Agua Fria River.....	At confluence with the Gila River.....	*924	*923
			Approximately 350 feet downstream of Litchfield Road.....	*924	*924
		Waterman Wash.....	Approximately 2,000 feet north of intersection of 187th Avenue and Germann Road.....	None	*989
			Approximately 200 feet downstream of Chandler Height Road.....	None	*1,058
			At Riggs Road.....	None	*1,083
			Approximately 300 feet downstream of 147th Avenue.....	None	*1,122

Maps are available for review at the City Hall, 119 North Litchfield Road, Goodyear, Arizona.

Send comments to The Honorable Carl Gow, Mayor, City of Goodyear, 119 North Litchfield, Goodyear, Arizona 85338.

Arizona.....	Maricopa County, Areas Unincorporated.	Agua Fria River.....	At confluence with the Gila River.....	*924	*923
			Approximately 350 feet downstream of Litchfield Road.....	*924	*924
			At Broadway Road.....	*934	*935
			At Lower Buckeye Road.....	*950	*950
			Approximately 150 feet downstream of Buckeye Road.....	*962	*962
			At Van Buren Street.....	*973	*971
			Approximately 875 feet upstream of Interstate 10 westbound.....	*984	*981
			At McDowell Road.....	*985	*985
			At Thomas Road.....	*1,000	*999



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 530 feet upstream of Indian School Road.	*1,012	*1,010
			At Camelback Road.....	*1,024	*1,024
			Approximately 200 feet upstream of the confluence with the New River.	*1,030	*1,033
			Approximately 1,320 feet downstream of Glendale Avenue.	*1,049	*1,050
			At Northern Avenue.....	*1,065	*1,062
			Approximately 1,700 feet upstream of Olive Road.	*1,082	*1,085
			Approximately 1,500 feet downstream of Grand Avenue.	*1,117	*1,119
			Approximately 1,200 feet upstream of Grand Avenue.	*1,133	*1,131
			At 115th Avenue.....	*1,138	*1,137
			Approximately 2,100 feet upstream of Bell Road.	*1,169	*1,165
			Approximately 1 mile downstream of West Rose Garden Avenue.	*1,191	*1,186
			Approximately 1 mile upstream of West Rose Garden Avenue.	*1,217	*1,214
			Approximately 2 miles upstream of West Rose Garden Avenue.	*1,234	*1,229
			Approximately 3 miles upstream of West Rose Garden Avenue.	*1,253	*1,247
			Approximately 1.5 miles downstream of Beardsley Canal.	None	*1,315
			Approximately 2 miles upstream of Granite Reef Aqueduct.	None	*1,378
			Approximately 0.8 mile upstream of Morristown-New River Highway.	None	*1,425
			Shallow flooding at approximately 250 feet upstream of Buckeye Road along west bank of Agua Fria River.	*965	*963
			Shallow flooding at approximately 200 feet upstream of Buckeye Road along east bank of Agua Fria River.	*965	*964
			Shallow flooding at approximately 1,100 feet downstream of McDowell Road along east bank of Agua Fria River.	*985	*982
			Shallow flooding along west bank of Agua Fria River at McDowell Road.	*985	*983
			Shallow flooding along east bank of Agua Fria River at McDowell Road.	*985	*984
			Shallow flooding along west bank of Agua Fria River immediately upstream of Indian School Road.	*1,012	*1,008
		Agua Fria River West Split Flow.	Approximately 0.9 mile downstream of Grand Avenue.	*1,110	*1,111
			Approximately 0.5 mile downstream of Grand Avenue.	*1,115	*1,118
			Approximately 0.3 mile upstream of Grand Avenue.	*1,133	*1,131
		Gila River.....	At Crest of Gillespie Dam.....	None	*762
			Approximately 550 feet upstream of Agua Caliente Road.	None	*775
			Immediately upstream of Rose Road (extended).	*780	*782
			Approximately 200 feet downstream of Johnson Road.	*801	*801
			At Palo Verde Road.....	*811	*808
			Immediately upstream of State Highway 85-U.S. Highway 80.	*827	*830
			At Miller Road.....	*838	*840
			At Rainbow Road.....	*857	*858
			At Airport Road.....	*869	*871
			Approximately 2,000 feet downstream of 195th Avenue.	*879	*880
			Approximately 2,000 feet upstream of 195th Avenue.	*882	*884
			Approximately 550 feet upstream of Perryville Road (extended).	*886	*888
			Approximately 5,600 feet upstream of Perryville Road (extended).	*891	*892
			Approximately 300 feet upstream of Sarival Lane.	*904	*904



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Salt River .....	At State Highway 87 .....	*1,217	*1,217
			Approximately 2 miles upstream of State Highway 87.	None	*1,233
			At North Gilbert Road .....	None	*1,254
			Approximately 2 miles upstream of North Gilbert Road.	None	*1,272
			Approximately 4 miles upstream of North Gilbert Road.	None	*1,286
			Approximately 6.5 miles upstream of North Gilbert Road.	None	*1,309
			At Scottsdale Road .....	*1,163	*1,163
			Approximately 740 feet upstream of Hayden Road.	*1,173	*1,174
			Approximately 1,700 feet upstream of Hayden Road.	*1,174	*1,174
		Circle City Area Wash 1 .....	Approximately 700 feet upstream of Black Mountain Road.	None	*1,853
			Approximately 1,100 feet downstream of Atchison, Topeka and Santa Fe Railway.	None	*1,863
			Approximately 200 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*1,879
		Circle City Area Wash 2 .....	Approximately 550 feet upstream of confluence with Circle City Area Wash 1.	None	*1,881
			Approximately 0.5 mile upstream of confluence with Circle City Area Wash 1.	None	*1,906
			Approximately 0.6 mile upstream of confluence with Circle City Area Wash 1.	None	*1,913
		Circle City Area Wash 2 along Atchison, Topeka and Santa Fe Railway.	Approximately 350 feet upstream of confluence with Wash 2.	None	*1,884
			Approximately 1,000 feet upstream of confluence with Wash 2.	None	*1,889
		Circle City Area Wash 3 .....	Approximately 220 feet upstream of Black Mountain Road.	None	*1,838
			Approximately 1,500 feet upstream of Black Mountain Road.	None	*1,849
			Approximately 350 feet upstream of confluence with Circle City Area Wash 6.	None	*1,858
			At confluence with Circle City Area Wash 4 .....	None	*1,870
			Approximately 280 feet downstream of Atchison, Topeka and Santa Fe Railway.	None	*1,882
			Approximately 900 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*1,895
			Approximately 2,200 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*1,906
		Circle City Area Wash 4 .....	Approximately 250 feet upstream of confluence with Circle City Area Wash 3.	None	*1,872
			Approximately 280 feet downstream of Atchison, Topeka and Santa Fe Railway.	None	*1,882
			Approximately 600 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*1,895
			Approximately 1,750 feet upstream of Atchison, Topeka and Santa Fe Railway.	None	*1,907
		Circle City Area Wash 4 along Atchison, Topeka, and Santa Fe Railway.	Approximately 320 feet upstream of confluence with Circle City Area Wash 4.	None	*1,891
			Approximately 600 feet upstream of confluence with Circle City Area Wash 4.	None	*1,895
			Approximately 900 feet upstream of confluence with Circle City Area Wash 4.	None	*1,898
		Circle City Area Wash 5 .....	Approximately 200 feet upstream of confluence with Circle City Area Wash 6.	None	*1,881
			Approximately 100 feet upstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,902
			Approximately 850 feet upstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,908
		Circle City Area Wash 6 .....	Approximately 150 feet upstream of confluence with Circle City Area Wash 3.	None	*1,855
			Approximately 1,500 feet upstream of confluence with Circle City Area Wash 3.	None	*1,867
			Approximately 110 feet upstream of confluence with Circle City Area Wash 5.	None	*1,880
			Approximately 400 feet upstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,904
		Circle City Area Wash 7 .....	AT Limit of Detailed Study .....	None	*1,847



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 500 feet upstream of Limit of Detailed Study.	None	*1,851
			Approximately 2,500 feet upstream of Limit of Detailed Study.	None	*1,873
			Approximately 4,750 feet upstream of Limit of Detailed Study.	None	*1,894
		Tribby Wash near Circle City.....	Approximately 300 feet downstream of Black Mountain Road.	None	*1,845
			Approximately 75 feet downstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,855
			Approximately 2,250 feet upstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,882
			Approximately 1 mile upstream of Atchison, Topeka, and Santa Fe Railway.	None	*1,923
		Tribby Wash.....	Approximately 3.0 miles above McMicken Dam Outlet Works.	None	*1,350
			Approximately 600 feet downstream of 203rd Avenue.	None	*1,407
			Approximately 0.5 mile upstream of 203rd Avenue.	None	*1,424
			Approximately 300 feet downstream of 211th Avenue.	None	*1,441
			Approximately 500 feet upstream of Deer Valley Road.	None	*1,467
			Approximately 0.5 mile downstream of Pinnacle Peak Road (extended).	None	*1,483
			Approximately 2,300 feet upstream of 219th Avenue.	None	*1,512
			Approximately 900 feet upstream of Happy Valley Road.	None	*1,531
			Approximately 4,150 feet upstream of Happy Valley Road.	None	*1,546
		Wittmann Wash-West Split.....	Approximately 1,350 feet downstream of Patton Road.	None	*1,550
			Approximately 1,000 feet upstream of Patton Road.	None	*1,559
			Approximately 4,100 feet upstream of Patton Road.	None	*1,586
		McMicken Dam Outlet Wash ....	Approximately 600 feet upstream of confluence with the Agua Fria River.	None	*1,181
			Approximately 1,000 feet downstream of Beardsley Road.	None	*1,204
			Approximately 1,100 feet upstream of Beardsley Road.	None	*1,213
			Approximately 0.5 mile upstream of Beardsley Road.	None	*1,239
			Approximately 1 mile upstream of Beardsley Road.	None	*1,250
			Approximately 1.5 miles upstream of Beardsley Road.	None	*1,268
			Approximately 500 feet downstream of Pinnacle Peak Road.	None	*1,283
			Approximately 1,000 feet upstream of Pinnacle Peak Road.	None	*1,289
			Approximately 0.5 mile upstream of Pinnacle Peak Road.	None	*1,298
			Approximately 1 mile upstream of Pinnacle Peak Road.	None	*1,311
			Approximately 1.5 miles upstream of Pinnacle Peak Road.	None	*1,314
		Wittmann Wash-Upper Reach....	Approximately 2,860 feet downstream of Crozier Street.	*1,694	*1,697
			Approximately 1,925 feet downstream of Crozier Street.	*1,703	*1,706
			Approximately 1,000 feet downstream of Crozier Street.	None	*1,717
			Approximately 265 feet upstream of Crozier Street.	None	*1,727
		Wittmann Wash-South Split.....	Approximately 1,100 feet downstream of Center Street.	*1,682	*1,681
			Approximately 330 feet downstream of Center Street.	*1,687	*1,688
			Approximately 645 feet upstream of Center Street.	*1,694	*1,696
		Wittmann Wash-North Split.....	Approximately 1,100 feet downstream of Center Street.	*1,682	*1,681



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 450 feet downstream of Center Street.	*1,686	*1,686
			Approximately 600 feet upstream of Center Street.	*1,694	*1,695
		Wittmann Wash along Atchison, Topeka, and Santa Fe Railway.	Approximately 845 feet downstream of Center Street.	*1,683	*1,683
			Approximately 1,570 feet upstream of Center Street.	*1,703	*1,706
			Approximately 2,300 feet upstream of Center Street.	None	*1,708
		Wittmann Wash Grand Avenue to CAP 1 West Overchute.	Approximately 250 feet upstream of overchute at CAP 1 West.	None	*1,552
			Approximately 300 feet upstream of 203rd Avenue.	None	*1,555
			Approximately 0.5 mile upstream of 203rd Avenue.	None	*1,571
			Approximately 1 mile upstream of 203rd Avenue.	None	*1,593
			Approximately 350 feet upstream of Dixileta Drive.	None	*1,597
			Approximately 3,200 feet upstream of Dixileta Drive.	None	*1,619
			Approximately 700 feet upstream of Lone Mountain Road.	None	*1,650
			Approximately 500 feet downstream of Grand Avenue.	None	*1,671
			Approximately 680 feet upstream of Grand Avenue.	*1,681	*1,680
		Cave Creek Wash.....	At confluence with Salt River.....	None	*1,011
			At 51st Avenue.....	None	*1,015
		Cemetery Wash.....	At confluence with Hassayampa River.....	None	*2,021
			At unnamed dirt road (ford) downstream crossing.	None	*2,111
			Approximately 528 feet upstream of unnamed dirt road (ford) downstream crossing.	None	*2,118
		Centennial Wash.....	Approximately 350 feet downstream of Old U.S. Highway 80.	None	*776
			At Southern Pacific Railroad Bridge.....	None	*856
			At Ward Road.....	None	*962
			At Baseline Road.....	None	*1,058
			Approximately 1,000 feet downstream of Gin Road.	None	*1,111
			At Courthouse Road.....	None	*1,189
			Approximately 200 feet upstream of Eagle Eye Road.	None	*1,282
			At Maricopa/La Paz County Line.....	None	*1,318
		Centennial Wash (Left Overbank).	Just upstream of confluence with Centennial Wash.	None	*1,067
			At intersection of Courthouse and Gin Roads.....	None	*1,138
			Approximately 300 feet downstream of divergence from Centennial Wash.	None	*1,202
		Hassayampa River.....	At confluence with Gila River.....	None	*805
			Just above Old U.S. Highway 80.....	None	*855
			Just upstream of Southern Pacific Railroad.....	None	*873
			At Interstate Highway 10.....	None	*1,027
			Just upstream of Tonopah Salome Highway.....	None	*1,074
			Just upstream of CAP Siphon.....	None	*1,335
			Approximately 200 feet upstream of Atchison, Topeka and Santa Fe Railroad.	*1,854	*1,859
			Approximately 600 feet upstream of confluence of Monarch Wash.	*1,923	*1,926
			Approximately 1,600 feet upstream of Highways 60 and 89.	*2,051	*2,052
			At Maricopa/Yavapai county line.....	*2,103	*2,103
		Waterman Wash.....	Approximately 2,000 feet downstream of Elliot Road.	None	*866
			Just downstream of Tuthill Road.....	None	*959
			Approximately 680 feet upstream of Riggs Road.	None	*1,085
			Approximately 200 feet upstream of 147th Avenue.	None	*1,123
			At confluence with West Prong Waterman Wash.	None	*1,139



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Map are available for review at the Flood Control District of Maricopa County, 3335 West Durango Street, Phoenix, Arizona.					
Send comments to the Honorable James Bruner, Chairman, Maricopa County Board of Supervisors, 111 South Third Avenue, Phoenix, Arizona 85003.					
Arizona.....	City of Phoenix, Maricopa County.	Agua Fria River.....	Shallow flooding along west bank of Agua Fria River immediately upstream of Indian School Road.	*1,012	*1,008
			At Thomas Road.....	*1,000	*999
			Approximately 530 feet upstream of Indian School Road.	*1,012	*1,010
			At Camelback Road.....	*1,024	*1,024
			Approximately 200 feet upstream of the confluence with the New River.	*1,030	*1,033
			Approximately 0.5 mile upstream of confluence with the New River.	*1,036	*1,039
		Cave Creek Wash.....	Just upstream of 51st Avenue.....	None	*1,014
			Just downstream of 35th Avenue.....	None	*1,041
			At Van Buren Street.....	*1,077	*1,073
			Just upstream of Thomas Road.....	*1,097	*1,095
			Just downstream of Grand Canal.....	*1,121	*1,120
			At intersection of 19th Street and Osborn Road.	None	#
			At intersection of 15th Avenue and Campbell Avenue.	None	#
			At intersection of Camel Back Road and 21st Avenue.	None	#
			At intersection of Missouri Avenue and 11th Avenue.	None	#
			At intersection of Missouri Avenue and 15th Avenue.	None	#
			At intersection of Bethany Home Road and Seventh Avenue.	None	#
			At intersection of Rose Lane and 17th Avenue...	None	#
			At intersection of Glendale Avenue and 19th Avenue.	None	#

Maps available for review at the City Hall, 251 West Washington Street, Phoenix, Arizona.

Send comments to The Honorable Paul Johnson, Mayor, City of Phoenix, City Hall, 251 West Washington Street, Phoenix, Arizona. 85003.

Arizona.....	City of Scottsdale, Maricopa County.	Galloway Wash Middle Branch.	Approximately 50 feet upstream of Pima Road ...	None	*2,596
			At Cow Tract Drive .....	None	*2,619
		Galloway Wash .....	Just upstream of Pima Road .....	None	*2,585
		Lower Branch .....	Approximately 500 feet upstream of Pima Road.	None	*2,598

Maps are available for review at the City Hall, 3939 Civic Center Plaza, Scottsdale, Arizona.

Send comments to The Honorable Herbert Drinkwater, Mayor, City of Scottsdale, 3939 Civic Center Plaza, Scottsdale, Arizona 85251.

Arizona.....	Town of Wickenburg, Maricopa County.	Hassayampa River .....	Approximately 500 feet upstream of Cemetery Wash.	*2,022	*2,022
			Just downstream of U.S. Highway 60-89 Bridge.	*2,047	*2,045
			At confluence of Sols Wash .....	*2,050	*2,051
			Approximately 2,400 feet down stream of confluence of Blue Tank Wash.	*2,061	*2,060
			Approximately 4,400 feet upstream of confluence of Blue Tank Wash.	*2,092	*2,093
		Cemetery Wash .....	Approximately 520 feet upstream of unnamed dirt road (ford) downstream crossing.	None	*2,118
			Approximately 1,750 feet upstream of unnamed dirt road (ford) upstream crossing.	None	2,163

Maps are available for review at the Town Hall, 120 East Apache Road, Wickenburg, Arizona.

Send comments to The Honorable Jim Mason, Mayor, Town of Wickenburg, Town Hall, P.O. Box 1269, Wickenburg, Arizona 85358.

Arkansas.....	Pulaski County, Unincorporated Areas.	Arkansas River .....	At downstream County boundary .....	*232	*230
			At upstream County boundary .....	*274	*275
		White Oak Bayou .....	Confluence with Arkansas River .....	*260	*258
			Approximately 350 feet upstream of the confluence of Newton Creek.	*261	*260
		Little Maumelle River .....	Confluence with Arkansas River .....	*265	*262
			Approximately 400 feet upstream of Missouri Kansas Texas Railroad.	*266	*265
		Taylor Loop Creek .....	Confluence with Little Maumelle River .....	*266	*264
			City of Little Rock corporate limits .....	*266	*264
		Fourche Creek .....	Confluence with Arkansas River .....	*247	*249



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Ison Creek .....	At the downstream corporate limits for the City of Little Rock. Confluence with Taylor Loop Creek..... Little Rock corporate limits .....	*248 *266 *266	*249 *264 *264
Maps available for inspection at 105 Main Street, Wallace Building, room 902, Little Rock, Arkansas. Send comments to The Honorable Rita Gruber, Pulaski County Judge, Pulaski County Courthouse, 401 W. Markham Street, Little Rock, Arkansas 72201.					
California .....	City of Hollister, San Benito County.	San Benito River .....	Approximately 200 feet downstream of State Highway 156. Just upstream of State Highway 156..... Just upstream of Nash Road..... Approximately 4,100 feet upstream of Nash Road. Santa Anna Creek .....	None None None None None	*255 *256 *281 *290 *210
			Approximately 3,700 feet downstream of Fallon Road. Just downstream of Fallon Road..... Approximately 3,300 feet upstream of Fallon Road.	None None None	*223 *234
Maps are available for review at the City Planning Department, 420 Hill Street, Building A, Hollister, California. Send comments to The Honorable Gregory Light, Mayor, City of Hollister, City Hall, 375 Fifth Street, Hollister, California 95023.					
Kansas.....	City of Edgerton, Johnson County.	Martin Creek.....	Just upstream of Atchison, Topeka and Santa Fe Railway. just downstream of U.S. Highway 56.....	*964 *965	*964 *966
		Santa Fe Lake Tributary .....	At mouth..... About 1600 feet upstream of Santa Fe Lake Dam.	None *969	*960 *969
Maps available for inspection at the City Hall, 404 East Nelson, Edgerton, Kansas. Send comments to The Honorable Maurice L. Taylor, Mayor, City of Edgerton, P.O. Box 255, Edgerton, Kansas 66021.					
Kansas.....	City of Fairway Johnson County.	Rock Creek.....	About 750 feet downstream of Mission Road..... Just downstream of U.S. Highway 56.....	*881 *910	*884 *913
Maps available for inspection at the City Hall, 5252 Belinder Road, Fairway, Kansas. Send comments to The Honorable Neale Peterson, Mayor, City of Fairway, 5252 Belinder Road, Fairway, Kansas 66205.					
Kansas.....	Unincorporated Areas of Johnson County.	Negro Creek .....	About 300 feet upstream of Union Pacific Railroad. About 0.9 mile downstream of Nall Avenue .....	None None	*871 *894
		Negro Creek Tributary.....	Within community .....	None	*872
		Blue River .....	About 2300 feet downstream of 151st Street .....	*867	869
		Wolf Creek.....	About 2500 feet upstream of U.S. Highway 69.....	None	*909
		Camp Branch .....	At mouth..... About 3.0 miles upstream of Antioch Road.....	None None	*909 *953
			At mouth..... Just downstream of Union Pacific Railroad southernmost crossing. Just upstream of Union Pacific Railroad southernmost crossing.	None None None	*894 *978 *1,006
		Coffe Creek .....	About 3650 feet upstream of 199th Street..... At mouth.....	None None	*1,050 *909
		Mill Creek.....	About 1.5 miles upstream of Switzer Road .....	None	*959
			Just upstream of Holliday Drive..... About 1050 feet downstream of confluence of Mill Creek Tributary No. 1.	*767 None	*767 *949
		Mill Creek Tributary No. 1.....	About 3500 feet upstream of State Highway 10..	None	*928
			Just downstream of Renner Road.....	None	*951
		Camp Creek.....	At mouth..... Just downstream of 127th Street.....	None None	*789 *955
		Little Cedar Creek Tributary .....	At mouth..... About 1950 feet downstream of State Highway 7.	None None	*879 *908
		Little Cedar Creek.....	Just upstream of 119th Street westernmost crossing. About 1.0 mile upstream of 119th Street easternmost crossing.	None None	*854 *905
		West Branch Cedar Creek.....	At mouth..... About 1.0 mile upstream of 143rd Street.....	None None	*868 *1,003
		Cedar Creek .....	At mouth..... About 1750 feet upstream of 135th Street.....	*784 None	*784 *885
		Santa Fe Lake Tributary .....	At mouth..... About 1600 feet upstream of Santa Fe Lake Dam.	None None	*960 *969
		Martin Creek.....	About confluence of Santa Fe Lake Tributary..... About 1100 feet upstream of Edgerton Road .....	None None	*960 *987
		Kill Creek .....	Within community .....	None	*792



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Kansas River.....	About 1300 feet downstream of confluence of Cedar Creek.	None	*784
		About 1.1 miles upstream of confluence of Captain Creek.	None.....	None	*798

Maps available for inspection at the County Courthouse, 100 East Park, Olathe, Kansas.

Send comments to The Honorable Murray L. Nolte, Chairman-Board of Commissioners, Johnson, County Courthouse, 100 East Park, Room 801, Olathe, Kansas 66061.

Kansas.....	City of Leawood, Johnson County.	James Branch.....	At mouth.....	*832	*832
			Just downstream of Sagamore Drive.....	*837	*837
			Just upstream of Sagamore Drive.....	*837	*842
		Dyke Branch.....	Just downstream of Ensley Lane.....	*878	*879
			Just upstream of Ensley Lane.....	*880	*885
			Just downstream of 97th Place.....	*884	*887
		Indian Creek.....	Just upstream of 97th Place.....	None	*893
			Just upstream of 97th Place.....	None	*895
			Just upstream of State Line Road.....	*865	*860
		Tomahawk Creek.....	Just downstream of Lee Boulevard.....	*878	*878
			Just upstream of Lee Boulevard.....	*883	*884
			About 1050 feet upstream of Wenonga Road.....	None	*916
		Blue River.....	About 1200 feet downstream of State Line Road.....	*831	*829
			Just downstream of 109th Terrace.....	None	*849
			At mouth.....	*841	*844
		Negro Creek.....	Just downstream of Nall Avenue.....	*876	*875
			Within community.....	None	*867
			Just upstream of Kenneth Road.....	None	*871
		Negro Creek Tributary.....	About 1050 feet downstream of Nall Avenue.....	None	*911
			About 1.3 miles downstream of Mission Road.....	None	*872
			About 3000 feet upstream of Mission Road.....	None	*916

Maps available for inspection at the City Hall, 9617 Lee Boulevard, Leawood, Kansas.

Send comments to The Honorable Marcia Rinehart, Mayor, City of Leawood, 9617 Lee Boulevard, Leawood, Kansas 66206.

Kansas.....	City of Lenexa, Johnson County.	Little Mill Creek.....	About 3150 feet downstream of 79th Street.....	*890	*889
			Just downstream of 87th Street.....	*933	*937
			Just downstream of 87th Street.....	*935	*948
		Mill Creek.....	About 800 feet upstream of 91st Terrace.....	*979	*977
			About 1.1 miles downstream of Old 87th Street.....	None	*806
			Just downstream of Old 87th Street.....	None	*821
		Mill Creek Tributary No. 1.....	Just upstream of 87th Street Viaduct.....	None	*826
			Just downstream of State Highway 10.....	None	*895
			At mouth.....	None	*868
		Turkey Creek.....	About 600 feet upstream of Ridgeview Road.....	None	*899
			About 700 feet upstream of Marshall Drive.....	*977	*980
			About 1350 feet upstream of a service road.....	*999	*999

Maps available for inspection at the City Hall, 12350 W. 87th Street Parkway, Lenexa, Kansas.

Send comments to The Honorable Rich Becker, Mayor, City of Lenexa, 12350 W. 87th Street Parkway, Lenexa, Kansas 66215.

Kansas.....	City of Merriam, Johnson County.	Turkey Creek.....	Just upstream of Antioch Road.....	*888	*886
			Just downstream of 63rd Street.....	*934	*932
			Just upstream of 63rd Street.....	*938	*937
		Turkey Creek Tributary.....	Just downstream of 75th Street.....	*962	*960
			At mouth.....	None	*931
			About 450 feet upstream of 63rd Street.....	None	*936

Maps available for inspection at the City Hall, 9000 West 62nd Terrace, Merriam, Kansas.

Send comments to The Honorable Irene B. French, Mayor, City of Merriam, 9000 West 62nd Terrace, Merriam, Kansas 66202.

Kansas.....	City of Mission, Johnson County.	Rock Creek.....	Just downstream of U.S. Highway 56.....	*913	*913
			Just downstream of Woodson Avenue.....	*953	*953
			Just upstream of Woodson Avenue.....	*954	*959
			Just downstream of Lamar Avenue.....	None	*965

Maps available for inspection at the City Hall, 6090 Woodson, Mission, Kansas.

Send comments to The Honorable Sylvester Powell, Jr., Mayor, City of Mission, 6090 Woodson, Mission, Kansas 66202.

Kansas.....	City of Mission Hills, Johnson County.	Rock Creek.....	At mouth.....	*863	*863
			About 750 feet downstream of Mission Road.....	*881	*884



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Mission Hills City Hall, 6300 State Line Road, Shawnee Mission, Kansas.					
Send comments to The Honorable Betty Lu Duncan, Mayor, City of Mission Hills, 6300 State Line Road, Shawnee Mission, Kansas 66208.					
Kansas.....	City of Olathe, Johnson County.	Little Cedar Creek Tributary .....	About 3580 feet above mouth.....	None	*908
			About 1300 feet upstream of State Highway 7....	None	*944
		Little Cedar Creek.....	At mouth.....	None	*839
			Just downstream of State Highway 7.....	None	*982
			Just upstream of State Highway 7.....	None	*1,001
			About 800 feet upstream of Dennis Avenue .....	None	*1,025
		Cedar Creek .....	About 3200 feet upstream of 95th Street .....	None	*795
			Just downstream of Olathe Lake Dam.....	*925	*886
		Indian Creek .....	Just upstream of Plumm Road.....	*946	*947
			About 0.9 mile upstream of 151st Street.....	*1,043	*1,043
		Mill Creek Tributary No. 1.....	About 600 feet downstream of State Highway 10.	None	*899
			Just downstream of State Highway 10.....	None	*905
			Just upstream of State Highway 10.....	None	*918
			About 3500 feet upstream of State Highway 10..	None	*928
		Mill Creek.....	Just upstream of State Highway 10.....	None	*895
			Just downstream of Mulberry Street.....	None	*988
			Just upstream of Mulberry Street.....	None	*993
			Just upstream of Keeler Street .....	None	*1,032
		Mill Creek Tributary No. 2.....	At mouth.....	*958	*952
			Just downstream of Nelson Street.....	None	*1,002
		Cedar Creek Tributary.....	At mouth.....	None	*807
			Just downstream of 103rd Street westernmost crossing.	None	*872
			Just upstream of 103rd Street westernmost crossing.	None	*878
			About 2800 feet upstream of easternmost 103rd Street.	None	*918
		Indian Creek Tributary No. 6.....	At mouth.....	None	*996
			Just upstream of 143rd Street.....	None	*1,017

Maps available for inspection at the Engineering Department, City Hall, 217 West Park, Olathe, Kansas.

Send comments to The Honorable James Green, Mayor, City of Olathe, P.O. Box 768, Olathe, Kansas 66061.

Kansas.....	City of Overland Park, Johnson County.	Turkey Creek.....	Just downstream of Southbound U.S. Highway 69.	*865	*864
			Just upstream of Burlington Northern Railroad....	*969	*964
			Just downstream of Marshall Drive.....	*974	*976
		James Branch .....	Just upstream of 97th Place.....	None	*895
			About 350 feet upstream of 97th Place .....	None	*898
		Indian Creek Tributary No. 1.....	At mouth.....	None	*858
			Just downstream of 103rd Street.....	None	*858
			Just upstream of 103rd Street.....	None	*864
			Just downstream of 99th Street.....	None	*890
		Indian Creek Tributary No. 2.....	At mouth.....	None	*866
			Just downstream of 107th Street.....	None	*880
			Just upstream of 107th Street.....	None	*885
			Just downstream of Interstate 435 .....	None	*893
			Just upstream of Interstate 435 .....	None	*912
			About 750 feet upstream of 110th Street.....	None	*913
		North Branch Indian Creek.....	At mouth.....	*902	*905
			Just downstream of Quivira Road.....	*926	*931
			Just upstream of Quivira Road.....	*930	*935
			Just downstream of 103rd Street.....	*954	*957
		Tributary A.....	At mouth.....	None	*925
			Just downstream of Interstate 435 .....	None	*931
			Just upstream of Interstate 435 .....	None	*936
			Just downstream of 103rd Street.....	None	*947
		Tributary B.....	At mouth.....	None	*935
			Just downstream of Westgate Road .....	None	*952
			Just upstream of Westgate Road .....	None	*958
			About 900 feet upstream of 110th Street.....	None	*974
		Indian Creek Tributary No. 3.....	At mouth.....	None	*870
			Just downstream of 97th Street.....	None	*904
			Just upstream of 97th Street.....	None	*911
			About 1900 feet upstream of 95th Street .....	None	*929
		Indian Creek Tributary No. 4.....	At mouth.....	None	*874
			About 350 feet upstream of Hadley Drive .....	None	*920
		Indian Creek Tributary No. 5.....	At mouth.....	None	*887
			About 1250 feet upstream of 99th Street.....	None	*944
		Tomahawk Creek .....	About 1850 feet upstream of 119th Street.....	*865	*865
			Just downstream of Plumm Road.....	*1,004	*1,005
		Negro Creek .....	At mouth.....	None	*869



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of Nall Avenue .....	None	*914
			Just upstream of Nall Avenue .....	None	*920
			Just downstream of U.S. Highway 69 .....	None	*986
		Indian Creek .....	Just upstream of 109th Terrace .....	None	*849
			Just downstream of Pflumm Road .....	*945	*947
		Camp Branch .....	Within community .....	None	*894
		Blue River .....	About 3500 feet downstream of confluence of Negro Creek .....	None	*867
			About 4300 feet upstream of confluence of Camp Branch .....	None	*898

Maps available for inspection at the City Hall, 8500 Santa Fe Drive, Overland Park, Kansas.

Send comments to The Honorable Ed Eilert, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas 66212.

Kansas .....	City of Prairie Village, Johnson County.	Dyke Branch .....	About 1050 feet upstream of Wenonga Road .....	None	*917
			About 1400 feet upstream of Wenonga Road .....	None	*922

Maps available for inspection at the City Hall, 7700 Mission Road, Prairie Village, Kansas.

Send comments to The Honorable Monroe Taliaferro, Mayor, City of Prairie Village, 7700 Mission Road, Prairie Village, Kansas 66208.

Kansas .....	City of Shawnee, Johnson County.	Mill Creek .....	At mouth .....	None	*767
			About 1.0 mile downstream of Old 87th Street .....	None	*806
		Little Mill Creek .....	At mouth .....	*789	*794
			Just downstream of Lackman Road .....	*874	*875
			Just upstream of Lackman Road .....	*877	*882
			About 3150 feet downstream of 79th Street .....	*889	*889
		Turkey Creek Tributary .....	About 400 feet upstream of 63rd Street .....	None	*937
			Just downstream of Flint Avenue .....	None	*967
		Kansas River .....	About 3200 feet downstream of confluence of Mill Creek .....	None	*766
			About 1300 feet downstream of confluence of Cedar Creek .....	None	*784
		Turkey Creek .....	Just downstream of Marshall Drive .....	None	*976
			About 700 feet upstream of Marshall Drive .....	None	*980

Maps available for inspection at the City Hall, 1111 Johnson Drive, Shawnee, Kansas.

Send comments to The Honorable Bob Best, Mayor, City of Shawnee, 1111 Johnson Drive, Shawnee, Kansas 66203.

Louisiana .....	Iberville Parish, Unincorporated Areas.	Lower Grand River .....	Approximately 0.8 mile upstream of downstream Parish Boundary .....	*6	*7
			At confluence of Bayou Plaquemine .....	None	*9
		Bayou Plaquemine .....	At confluence with Lower Grand River .....	None	*9
			Approximately 2.3 miles upstream of confluence with Lower Grand River .....	None	*10
		Mound Ditch .....	Approximately 0.8 mile upstream with Lower Grand River .....	*8	*9
			Approximately 1.5 miles upstream of confluence with Lower Grand River .....	*8	*9
		Spanish Lake .....	Entire shoreline within community .....	None	*11
		Bayou Manchac .....	At Bayou Paul Road .....	None	*15

Maps available for inspection at the Courthouse, 600 Meriam Street, Plaquemine, Louisiana.

Send comments to The Honorable Alderich Dupree, President of the Iberville Parish Police Jury, P.O. Box 389, Plaquemine, Louisiana 70764.

Massachusetts .....	Sandwich, Town, Barnstable County.	Atlantic Ocean .....	On Cape Cod Canal approximately 1,500 feet inland of mouth .....	*14	*10
			Upstream end of Mill Creek .....	*12	*11
			Areas along entire shoreline adjacent to coastal frontal sand dunes and northeast of Salt-marsh and Foster Roads and North Shore Boulevard .....	None	*13
			At Scusset Beach .....	*17	*15
			Northeast of Carleton Drive East .....	*25	*16

Maps available for inspection at the Building Inspector's Office, 270 Quaker Meetinghouse Road, Sandwich, Massachusetts.

Send comments to The Honorable Edward Condon, Chairman of the Town of Sandwich Board of Selectmen, Barnstable County, P.O. Box 660, Sandwich, Massachusetts 02563.

New Jersey .....	Fair Lawn, Borough Bergen County.	Saddle River .....	Downstream corporate limits .....	*43	*46
			Upstream corporate limits .....	*55	*57
		Beaver Dam Brook .....	Confluence with Saddle River .....	*49	*51
			Approximately 150 feet downstream of Paterson Street .....	*50	*51
		Jordan Brook .....	Confluence with Saddle River .....	*53	*55
			Approximately 400 feet upstream of Prospect Avenue .....	*54	*55

Maps available for inspection at the Engineer's Office, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey.

Send comments to The Honorable Joseph Garger, Fair Lawn Borough Manager, Bergen County, 8-01 Fair Lawn Avenue, P.O. Box 376, Fair Lawn, New Jersey 07410.



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
New York	Harrison (Town) Westchester County	Brentwood Brook	Just upstream of Harrison Avenue	*45	*44
			At Ramapo Terrace Road	None	*73
		Nelson Creek	At confluence with Brentwood Brook	*65	*62
			Approximately 1,780 feet upstream of Iroquois Trail	None	*104
		Lecount Creek	Approximately 840 feet upstream of confluence with Mamaroneck River	None	*36
			Approximately 1,280 feet upstream of West Street	None	*46
		West Branch Blind Brook	Approximately 240 feet upstream of confluence with Blind Brook	None	*128
			At Beverly Road	None	*216

Maps available for inspection at Harrison Municipal Building, 1 Heinemann Place, Harrison, New York.

Send comments to: The Honorable Charles Balencia, Supervisor of the Town of Harrison, Westchester County, 1 Heinemann Place, Harrison, New York 10528.

Issued: November 9, 1990.

C.M. "Bud" Schauerle,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 90-27291 Filed 11-20-90; 8:45 am]

BILLING CODE 6716-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 21, 74, 78, and 94

[Gen. Docket No. 90-54, DA 90-1682]

**Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, Private Operational-Microwave Fixed Service, and Cable Television Relay Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment and reply comment periods.

**SUMMARY:** The Commission extends the time for filing comments in its proceeding concerning wireless cable, including Multipoint Distribution Service, Instructional Television Fixed Service, and Operational Fixed-Microwave Service, from November 26, 1990, to December 19, 1990, and the time for filing reply comments from December 19, 1990, to January 28, 1991. The Further Notice of Proposed Rule Making in this proceeding (FR Doc. 90-25774) may be found at 55 FR 46017 (October 31, 1990). The action is taken because of the complex technical matters at issue in this Docket.

**DATES:** Comments are now due on December 19, 1990, reply comments are due on January 28, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jane Hinckley, Mass Media Bureau, (202) 632-7792; Lynne Milne, Common Carrier Bureau, (202) 634-1772; or Michael Lewis, Private Radio Bureau (202) 632-6940.

## SUPPLEMENTARY INFORMATION:

### Order Granting Extension of Time

In the Matter of Amendments of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing the Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multipoint Distribution Service, Multichannel Multipoint Distribution Service Instructional Television Fixed Service, and Cable Television Relay Service

Adopted: November 15, 1990.

Released: November 15, 1990.

By the Mass Media Bureau:

1. The Association for Higher Education of North Texas, the Indiana Higher Education Telecommunication System, Illinois Institute of Technology, Louisiana State University, Region IV Education Services, the State University of New Jersey (Rutgers), the Trustees of Leland Stanford Junior University, Transvideo, Inc., and the University of Texas Health Science Center, all licensees or permittees of stations in the Instructional Television Fixed Service, have requested an extension of time for comments and reply comments in the above-referenced rulemaking proceeding. Comments are currently due on November 26, 1990, and reply comments on December 19, 1990.

2. The parties claim that the number and complexity of the proposals in the Further Notice of Proposed Rulemaking in Gen. Docket No. 90-54, as well as the length and complexity of the Commission's related Report and Order in Gen. Dockets Nos. 90-54 and 80-113, considered in light of impending school holidays of extended periods, make an extension necessary in order for educational institutions to participate effectively.

3. As also pointed out by the requesters here, the Commission has recognized the particular difficulties educational institutions face in responding speedily to issues of concern to them. Educational institutions will have their rights affected by the pending rulemaking, and their full participation is both important and desired. The extension of time requested should not prejudice other parties, and will be granted as requested. Accordingly, pursuant to authority in sections 4(i), 302, and 303 of the Communications Act of 1934, as amended, it is ordered, That the comment period in this proceeding is extended to December 19, 1990, and the reply comment period is extended to January 28, 1991.

Federal Communications Commission.

Roy J. Stewart,

Chief.

[FR Doc. 90-27370 Filed 11-20-90; 8:45 am]

BILLING CODE 6712-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 48 CFR Part 1537

[FRL 3812-7]

### Acquisition Regulation

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This proposed rule revises the Environmental Protection Agency Acquisition Regulation (EPAAR) to make coverage on the use of advisory and assistance services consistent with the Federal Acquisition Regulation (FAR) and applicable Office of Management and Budget (OMB) guidance. Proposed revisions indicate the EPA office responsible for making the initial determination of whether requested services are advisory and assistance, required documentation to support the determination, and necessary approvals. Previous references in the EPAAR to "consulting services" and examples of consulting services are deleted since they are inconsistent with current FAR and OMB guidance.

**DATES:** Written comments must be received by December 21, 1990.

**ADDRESSES:** Comments should be addressed to: Environmental Protection Agency, Procurement and Contracts Management Division (PM-214F), 401 M Street, SW., Washington, DC 20460, Attn: Marilyn Torpey.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Torpey (202) 245-3941 (FTS) 245-3941.

## SUPPLEMENTARY INFORMATION:

### A. Background

The proposed revision will modify the



EPAAR to be consistent with the terminology and guidance in FAR subpart 37.2 and OMB Circular A-120. As specified in FAR 37.206, the proposed revision indicates the office initiating the request for services will make the initial determination of whether services are advisory and assistance, and provide a justification as required by FAR 37.206. Types of advisory and assistance services are listed in FAR 37.203. EPAAR section 1537.203, which listed examples of consulting services based on the 1980 version of OMB Circular A-120, will be removed. The proposed revision adds coverage indicating that the Assistant Administrator for Administration and Resources Management has been designated the official who will ensure the acquisition of advisory and assistance services meets the provisions of OMB Circular A-120.

#### B. Executive Order 12291

The Office of Management and Budget (OMB) Bulletin No. 85-7, dated December 14, 1984, established requirements for OMB review of agency acquisition regulations. This regulation does not fall within any of the categories cited in the bulletin requiring OMB review.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not contain information collection requirements requiring the approval of OMB under 44 U.S.C. 3501, *et seq.*

#### D. Regulatory Flexibility Act

The EPA certifies this proposed rule does not exert a significant economic impact on a substantial number of small entities because the proposed change does not impose any new requirements on contractors, large or small. An initial regulatory flexibility analysis has therefore not been performed.

#### List of Subjects in 48 CFR Part 1537

Government procurement, Service contracting.

For reasons set forth in the preamble, 48 CFR part 1537 is proposed to be amended as follows:

1. The authority citation for part 1537 continues to read as follows:

Authority: Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Subpart 1537.2 is revised to read as follows:

#### Subpart 1537.2—Advisory and Assistance Services.

##### 1537.200 Scope of subpart.

This subpart applies only to the types of services described in FAR 37.203. It does not apply to services which the Contracting Officer has determined are not advisory and assistance.

##### 1537.205 Management controls.

(a) The requesting office shall make the initial determination of whether the requirement is for advisory and assistance services as defined in FAR 37.203. If services are determined to be advisory and assistance, the requesting office shall prepare a procurement request addressing the items shown in FAR 37.206.

(b) The Contracting Officer shall review the initiating office's determination. In the event that the Contracting Officer disagrees with the initiating office's determination, he/she will discuss his/her findings with the initiating office before making a final determination. The Contracting Officer's determination on whether services are advisory and assistance is final.

(c) The Assistant Administrator for Administration and Resources Management has been designated as the official responsible for ensuring that the acquisition of advisory and assistance services meets the provisions in Office of Management and Budget (OMB) Circular A-120.

Dated: September 21, 1990.

John C. Chamberlin,

Director, Office of Administration.

[FR Doc. 90-27400 Filed 11-20-90; 8:45 am]

BILLING CODE 6560-50-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 625

##### RIN 0648-AC83

##### Atlantic Summer Flounder Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of availability of an amendment to a fishery management plan and request for comments.

**SUMMARY:** NOAA issues this notice that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan for the Atlantic Summer Flounder Fishery (FMP) for review by the Secretary of Commerce (Secretary) and is requesting comments from the public. The FMP proposes a minimum net mesh for the summer flounder trawl fishery.

**DATES:** Comments will be accepted until January 10, 1991.

**ADDRESSES:** Send comments to the Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930-3799. Mark the outside of the envelope "Comments on Summer Flounder Plan". Copies of Amendment 1 are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building,

300 S. New Street, Dover, Delaware 19901-6790.

**FOR FURTHER INFORMATION CONTACT:** Kathi Rodrigues, Resource Policy Analyst, 508-281-9300, ext. 324.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.* requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining approvability of the document.

The proposed amendment provides that (1) only otter trawl vessels with 5.5 inch minimum mesh (diamond mesh) or 6 inch minimum mesh (square mesh), applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net may retain more than 500 pounds of summer flounder (vessels fishing with a fly net and vessels with special permits are exempt from this requirement); (2) vessels in this fishery may not have "available for immediate use" any net that does not meet the minimum mesh requirement; (3) nets that cannot be shown to have been in recent use and are stowed, secured or covered with the cod end removed, or secured in a manner approved by the Regional Director are considered to be "not available for immediate use"; (4) obstruction of the regulated portion of the net is prohibited; and (5) states with minimum mesh regulations larger than those proposed by this amendment are encouraged to maintain them.

The amendment also provides an overfishing definition, as required by the 50 CFR part 602 guidelines for fishery management plans.

The provisions of the existing FMP (for example, 13 inch minimum size limit as well as annual permits for commercial vessels and vessels for hire in the recreational fishery (party and charter boats) continue in effect unchanged.

The receipt date for Amendment 1 was November 12, 1990. Proposed regulations for this Amendment will be filed with the Office of the Federal Register within 15 days of the receipt date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 15, 1990.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-27344 Filed 11-15-90; 4:04 pm]

BILLING CODE 3510-22-M



## Notices

Federal Register

Vol. 55, No. 225

Wednesday, November 21, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Cooperative State Research Service

#### Availability of an Environmental Assessment and Finding of No Significant Impact Relative to USDA Funding of Research on Transgenic Carp

**AGENCY:** Cooperative State Research Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Cooperative State Research Service (CSRS) advises the public through this notice that an environmental assessment and finding of no significant impact have been prepared relative to USDA funding of a proposal submitted by the Alabama Agricultural Experiment Station (AAES) to conduct research on mirror carp that have been genetically modified using recombinant deoxyribonucleic acid (DNA) technology and contain a rainbow trout growth hormone gene. The research will be carried out in a new fish hatchery facility and new outdoor research ponds located in Lee County, Auburn, Alabama. Funding for the research is provided from CSRS through the Hatch Act.

The environmental assessment provides a basis for the conclusion that this research will not significantly impact the quality of the human environment. Based on this finding of no significant impact, the CSRS has determined that an environmental impact statement is not required.

**ADDRESSES:** Copies of the environmental assessment and finding of no significant impact are available from the Office of Agricultural Biotechnology, U.S. Department of Agriculture, room 321-A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Marilyn K. Cordle at the above address, or telephone (703) 235-4414.

**SUPPLEMENTARY INFORMATION:** The AAES has requested USDA funding of an experiment with transgenic mirror carp containing a rainbow trout growth hormone gene. The research will be carried out in a new fish hatchery facility and in new outdoor research ponds located in Lee County, Auburn, Alabama.

The purpose of the research is to (1) evaluate the effects of the trout growth hormone gene on the reproductive capacity of blood carp, (2) determine whether offspring of these carp inherit the trout growth hormone gene, and (3) determine what are the effects of the inherited gene on the survival, growth rate, and behavior of the offspring. The research will develop basic information that may in the future be useful in developing improved fish species for commercial aquaculture through the use of recombinant DNA technology.

In accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of the NEPA (40 CFR parts 1500-1508), and (3) USDA regulations implementing NEPA (7 CFR part 1b), the CSRS assessed the environmental impacts of conducting this research.

The CSRS published and invited public comment on an environmental assessment and preliminary finding of no significant impact in the *Federal Register* of February 16, 1990 (55 FR 5752). Comments were received from four parties: The Environmental Defense Fund, the National Wildlife Federation, an Assistant Professor and Curator of Fishes at Auburn University, and a District Fisheries Biologist, Alabama Department of Conservation and Natural Resources. These comments raised concerns about the defined scope of the proposed action, and raised questions about the need for the research and whether sufficient laboratory information had been developed before expanding the testing to outdoor ponds. The comments identified environmental issues that respondents believed had not been adequately addressed. Concerns were raised about management of the proposed research and confinement

conditions, and it was pointed out that past research at Auburn University most likely has been a source of introduction of new carp species in natural waters in Alabama. New information was provided on the local aquatic environment. As a result of these comments the environmental assessment was revised and two additional alternatives for the research (Alternatives 4 and 5 described below) were considered. USDA's consideration of the comments received and its response to the issues raised is presented in the revised environmental assessment.

The five alternatives considered in the revised environmental assessment are:

**Alternative 1 (The Original AAES Proposal)**—Rearing 50,000 offspring/fry (at least 0.5 centimeters long) in older, outdoor research ponds and reducing the number to 3,000 when the fry reach fingerling size (30 grams);

**Alternative 2 (Preferred USDA action in the initial EA)**—Rearing 50,000 offspring/fry in older, outdoor research ponds under modified conditions of confinement and mitigation, primarily in the water drainage system and pond levees, and reducing the number of fish to 3,000 at the fingerling stage;

**Alternative 3 (No Action)**—In a new hatchery facility (indoors), rearing 10,000 offspring/fry with the number reduced to 3,000 at the fingerling stage;

**Alternative 4 (USDA Preferred Action)**—Rearing 50,000 offspring/fry in new research ponds of superior design and constructed at a higher elevation than the older ponds, and reducing the number of fish to 3,000 at the fingerling stage;

**Alternative 5**—Rearing 10,000 offspring/fry indoors until they are fingerling size, and then rearing 3,000 fingerlings in the new outdoor research ponds.

CSRS concluded from the revised environmental assessment that the research, if conducted under the conditions specified in the preferred USDA action (Alternative 4), will not significantly impact the quality of the human environment.

The environmental assessment and finding of no significant impact are based on data submitted by AAES, information submitted in public comments, as well as a review of other relevant literature. This environmental assessment provides the public with



documentation of CSRS' review and analysis of the environmental impacts associated with conducting the research.

The finding of no significant impact is based on the factors set forth below. Further details are contained in the environmental assessment.

This finding of no significant impact is based on the following factors:

1. Stringent safeguards, including physical, biological and chemical barriers, are in place to prevent the escape of transgenic mirror carp from the experimental facility at AAES. These safeguards make an escape of transgenic fish extremely remote.

2. The mitigation procedures proposed in alternative 4 are adequate to eliminate all fish from the research ponds in the event that such steps become necessary, e.g., forecast of unusually severe weather conditions. By treating the research ponds with rotenone, all transgenic fish can be eliminated from the ponds with reasonable assurance.

3. The weather monitoring procedures proposed in alternative 4 are adequate to apprise AAES of the possibility of a catastrophic event, such as a hurricane or flood, so that emergency termination procedures can be taken to prevent the escape of the transgenic mirror carp.

4. The measures proposed in alternative 4 are adequate to prevent removal of carp from the experimental ponds by birds and other terrestrial predators. The double fencing, netting, and pond management procedures will restrict access by terrestrial birds, waterfowl, and other predators, including snakes, rodents and other animals.

5. The monitoring and inspection procedures proposed are adequate to ensure that the physical barriers are maintained properly and access to the research area is limited to authorized personnel associated with the project.

6. Even if some transgenic mirror carp were to circumvent the confinement safeguards and escape the AAES, few, if any, of the carp would survive, grow, and reach sexual maturity in the receiving bodies of water that include Sougahatchee Creek and Yates Reservoir. Factors acting against the establishment of transgenic carp in those waters include: The relatively small number of fish that might escape, the naturally high mortality rate for early life history stages of the fish, the lack of suitable habitat, the large number of predatory fish in those waters, and because the experiment uses a highly domesticated fish genotype that is not likely to be well suited for survival in a natural environment where those fish must

forage for food. Also, the experimental fish have been derived from mirror carp which have traits that, in general, are competitively inferior to scaled common carp.

7. The presence of the rtGH gene, while it may increase growth rate of the transgenic mirror carp, would not significantly increase the survival rate compared to scaled common carp. Factors such as the limited amount of suitable habitat in Yates Reservoir are independent of fish size and would serve to control the distribution and numbers of carp whether or not those fish possess the rtGH gene.

8. In the event that a few transgenic mirror carp survive to adulthood, spatial and temporal factors, and spawning preferences are likely to reduce the opportunity for successful spawning.

9. Even if some transgenic carp were able to spawn successfully, the size of the population would be severely limited by the lack of suitable habitats and the abundance of predators in the receiving bodies of water.

10. In the absence of natural selection pressure for the rtGH gene, it is likely that the rtGH gene would disappear from the gene pool altogether by random genetic drift. Disappearance from the gene pool also may occur from the negative selection pressure.

11. Even if there were natural selection pressure for the rtGH gene, and the transgenic mirror carp were eventually to displace the small population of scaled common carp in Yates Reservoir, no significant destabilizing effects on the food web or other fish species would occur. Any theoretical increase in disruptive activities of the transgenic carp compared to the existing common carp would occur only within the relatively small areas where common carp are most abundant, and their effect would not be different from any disruptions already caused by the existing common carp.

12. The procedures proposed for the use of rotenone to eliminate the transgenic fish and the detoxification of rotenone-treated water with potassium permanganate are adequate to mitigate any adverse effects of these chemicals on the environment.

13. No adverse effects are expected from the use of the viral DNA sequence in the genetic modification of the carp. The viral sequence represents less than 10 percent of the viral genome, it does not code for or express any protein, and it cannot replicate and initiate an infection independently.

14. The size of the experiment and limited area of the experimental site make it feasible to supervise the

research, limit access to the experimental ponds, and to implement the mitigation procedures, if necessary.

Inasmuch as the available evidence indicates that conducting the proposed research as specified in alternative 4 would have no significant impact on the quality of the human environment, I announce this finding of no significant impact.

Done at Washington, DC, this 15th day of November.

**John Patrick Jordan,**

*Administrator, Cooperative State Research Service.*

[FR Doc. 90-27297 Filed 11-20-90; 8:45 am]

BILLING CODE 3410-22-M

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* Bureau of the Census.

*Title:* Survey of Income and Program Participation—1991 Panel Wave 2.

*Form number(s):* SIPP-11200, SIPP-11205.

*Agency approval number:* 0607-0702.

*Type of request:* Revision of a currently approved collection.

*Burden:* 14,700 hours.

*Number of respondents:* 29,400.

*Avg Hours per response:* 30 minutes.

*Needs and uses:* The Bureau of the Census uses the Survey of Income and Program Participation (SIPP) to gather data concerning the distribution of income received directly as money or indirectly as in-kind benefits. The SIPP is designed as a continuing series of national panels of households which are interviewed about every four months. A new panel is introduced annually with each panel having a duration of about 2½ years in the survey. The survey is molded around a central "core" of labor force and income questions. The core is periodically supplemented with additional questions referred to as "topical modules." Wave 2 contains the "Personal History" topical module which will be used to gather pertinent information about the past experiences of SIPP sample persons.

*Affected public:* Individuals or households.

*Frequency:* Once during the life of the panel.

*Responder's obligation:* Voluntary.



OMB desk officer: Marshall Mills, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 15, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90-27441 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-07-M

## Bureau of the Census

### Meeting; Homeless Persons; Enumeration Methods and Data Needs

**AGENCY:** Bureau of the Census, Commerce.

**TIME AND DATE:** 8:45 a.m.-4:45 p.m., Thursday, November 29, 1990.

**PLACE:** Quality Hotel at Capitol Hill, 415 New Jersey Avenue, NW., Washington, DC.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Enumerating Homeless Persons; Methods and Data Needs.

1. Researchers/methodologists and federal government officials will discuss the data needs and technical methods for counting homeless persons, including uses of the 1990 census counts.

2. The effect of definition and commonly-used methods to count homeless persons on the outcome of the data including street counts, point-of-service counts, and special issues related to the 1990 census counts; and,

3. Biases from the selection of informant and location, and measurement problems for special groups such as the mentally ill and drug and alcohol abusers.

#### CONTACT PERSONS FOR MORE INFORMATION:

Amina Elmi, The Urban Institute, 2100 M Street, NW., Washington, DC 20037, 202-833-7200, Fax: 202-223-3043.

Charles Moore, Decennial Planning Division, Bureau of the Census, Washington, DC 20233, 301-763-4985.

Dated: November 15, 1990.

Barbara Everitt Bryant,  
Director, Bureau of the Census.

[FR Doc. 90-27494 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-07-M

## International Trade Administration

[A-533-501]

### Certain Iron Construction Castings From India; Court Decision and Suspension of Liquidation

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On October 11, 1990, the United States Court of International Trade ("CIT") affirmed the Department's amended determination upon remand that Kejriwal, an Indian manufacturer of iron construction castings, had a *de minimis* dumping margin. *Kejriwal Iron and Steel Works, Ltd. v. United States*, No. 89-04-00172, Slip Op. 90-104 (CIT October 11, 1990). If the CIT's opinion in this case is not appealed, or not overturned on appeal, then the antidumping duty order on certain iron construction castings from India will be revoked.

In accordance with the decision of the Court of Appeals for the Federal Circuit ("CAFC") in *The Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), Commerce will not order the liquidation of the subject merchandise prior to a conclusive decision of *Kejriwal Iron and Steel Works, Ltd. v. United States*, Ct. No. 89-04-00172.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mary Jenkins or James Terpstra, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 355-8371 or 377-1756, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 19, 1986, Commerce published its final antidumping duty determination on certain iron construction castings from India. Certain Iron Construction Castings from India; Final Determination of Sales at Less Than Fair Value, 51 FR 9486 (Mar. 19, 1986). On May 9, 1986, Commerce published an antidumping duty order on entries of light and heavy castings. As to light castings, the order applied to those castings entered, or withdrawn from warehouse, for consumption on or after

May 7, 1986, the date of publication in the *Federal Register* of an affirmative determination of threat of material injury by the International Trade Commission ("ITC"). As to heavy castings, the order applied to all unliquidated entries, or warehouse withdrawals, for consumption of heavy castings from India made on or after October 28, 1985, the date on which the Department published its preliminary determination.

On April 3, 1989, Kejriwal, a respondent in the antidumping duty investigation, instituted an action challenging Commerce's final determination, as amended upon remand in *Alhambra Foundry Co. v. United States*, 12 CIT \_\_\_\_\_, 685 F. Supp. 1252 (1988) and *Alhambra Foundry Co. v. United States*, 12 CIT \_\_\_\_\_, 701 F. Supp. 221 (1988). *Kejriwal Iron and Steel Works, Ltd. v. United States*, Ct. No. 89-04-00172. Specifically, respondent Kejriwal challenged the results of the *Alhambra* litigation to the extent that Commerce determined on remand that Kejriwal's margin, which had been *de minimis*, should be 2.93 percent. As a result of the *Kejriwal* litigation, Commerce made, on remand, additional calculation corrections and determined that Kejriwal's margin should be *de minimis*. On October 11, 1990, the CIT upheld Commerce's amended remand determination that Kejriwal had a *de minimis* margin.

By way of background, at the time of the *Alhambra* lawsuit was filed by petitioners, Commerce's final determination had been concurrently challenged by respondent Serampore, the only company with an affirmative margin at the conclusion of Commerce's investigation. *Serampore Industries Pvt. Ltd. v. United States Department of Commerce*, Ct. No. 86-06-00743. As a result of the *Serampore* lawsuit, Serampore's margin was found to be below *de minimis* on remand. Accordingly, at the time of the *Kejriwal* lawsuit, Kejriwal was the only company with an above *de minimis* margin, and was the only company that provided a basis for the antidumping duty order on iron construction castings from India.

The Department's affirmed amended remand determination in *Kejriwal* states that because the results indicate that no investigated company had sales at less than fair value, the Department intends to revoke the order as to all unliquidated entries of the subject merchandise.

Accordingly, absent an appeal, or, if appealed, upon a "conclusive" decision by the CAFC which is consistent with the CIT's decision, the antidumping duty



order on iron construction castings will be revoked, effective October 28, 1985, as to heavy castings and effective May 7, 1986, as to light castings.

#### Suspension of Liquidation

In its decision in *The Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the CAFC held that Commerce must publish notice of a decision of the CIT or the CAFC which is not in harmony with Commerce's determination. Publication of this notice fulfills that obligation. The CAFC also held that in such a case, Commerce must suspend liquidation until there is a "conclusive" decision in the action. Therefore, Commerce must suspend liquidation pending the expiration of the period to appeal the CIT's October 11, 1990 decision affirming Commerce's *de minimis* remand results, or pending a final decision of the CAFC if that decision is appealed.

Because entries of iron construction castings from India are currently being suspended pursuant to the antidumping duty order in effect, Commerce need not order Customs to suspend liquidation. Commerce will not order the lifting of the suspension of liquidation, on entries of heavy castings made on or after October 28, 1985, and on entries of light castings made on or after May 7, 1986, before there is a conclusive court decision in this lawsuit.

Dated: November 15, 1990.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27395 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DS-M

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 85-3A018.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to the U.S. Shippers Association ("USSA") on June 3, 1986. Notice of issuance of the original Certificate was published in the *Federal Register* on June 9, 1986 (51 FR 20873). The Certificate was previously amended on January 16, 1990 (55 FR 2543, January 25, 1990).

**FOR FURTHER INFORMATION CONTACT:** George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011-21) authorizes the

Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (1990) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of a Certificate in the *Federal Register*. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Amended Certificate

Export Trade Certificate of Review No. 85-00018 was issued to USSA on June 3, 1986. Notice of issuance of the Certificate was published in the *Federal Register* on June 9, 1986 (51 FR 20873). The Certificate was previously amended on January 16, 1990 (55 FR 2543, January 25, 1990).

In this amendment, USSA has amended the listing of "Members" named in its Export Trade Certificate of Review to replace "Rhône-Poulenc Basic Chemicals Co." with its parent company, "Rhône-Poulenc Inc.," Princeton, New Jersey.

**EFFECTIVE DATE:** August 17, 1990.

A copy of the amended Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

November 15, 1990.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 27442 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DR-M

#### Short Supply Review; Certain Continuous Cast Steel Slabs

**AGENCY:** Import Administration/International Trade Administration, Commerce.

**ACTION:** Notice of short-supply review and request for comments; certain continuous cast steel slabs.

**SUMMARY:** The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 55,000 net tons per quarter of certain continuous cast steel slabs for each quarter of 1991 under article 8 of the U.S.-Brazil steel

arrangement and Paragraph 8 of the U.S.-Mexico steel arrangement.

**SHORT-SUPPLY REVIEW NUMBER:** 32.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 1357.104(b) of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.104(b) ("Commerce's Short-Supply Procedures"), the Secretary hereby announces that a short-supply determination is under review with respect to certain continuous cast steel slabs for use in the manufacture of API X-70 line pipe. On November 9, 1990, the Secretary received an adequate petition from Oregon Steel Mills ("Oregon Steel") requesting a short-supply allowance for 55,000 net tons per quarter for each quarter of 1991 under article 8 of the Arrangement Between the Government of Brazil and the Government of the United States Concerning Trade in Certain Steel Products (the "U.S.-Brazil arrangement") and Paragraph 8 of the Arrangement Between the Government of Mexico and the Government of the United States of America Concerning Trade in Certain Steel Products (the "U.S.-Mexico arrangement").

Oregon Steel alleges that it will experience short supply for this product in 1991 because it has recently obtained several 1991 contracts for large pipeline projects, which will more than double its slab requirements from 1990. Oregon Steel states that it has limitations on the quantity of this material it can supply from its Portland, Oregon facility, and that domestic producers either have no available capacity or are unable to meet Oregon Steel's specifications. Oregon Steel also states that it will be able to purchase some quantity of slabs under regular export licenses, but must obtain this tonnage under a short-supply allowance.

The requested material should meet the following specifications:

#### Dimensions

Gauge: 200 mm-230 mm  
Width: 1700 mm-1800 mm  
Length: 7300 mm-7620 mm

#### Tolerances

Gauge:  $\pm 4$  mm  
Width:  $\pm 10$  mm  
Length:  $\pm 50$  mm  
Camber: 0.67% max.  
Crossbow: 10 mm max.  
Squareness: 90  $\pm 3$

#### Chemical Composition

C-0.07% to 0.11%



MN—1.35% to 1.55%  
 P—0.015% max.  
 S—0.007% max.\*N  
 Si—0.15% to 0.30%  
 Cb—0.025% to 0.050%  
 V—0.020% max.  
 Ti—0.005% max.  
 Al—0.020% to 0.050%  
 Cu—0.25% max.  
 Ni—0.15% max.  
 Cr—0.15% max.  
 Mo—0.05% max.  
 Sn—0.008% max.  
 Ca—\*\*  
 N—0.008% max.  
 Al/N ratio—>4.0

Section 4(b)(4)(B)(ii) of the Act and § 357.106(b)(2) of Commerce's Short-Supply Procedures require the Secretary to make a determination with respect to a short-supply petition not later than the 30th day after the petition is filed, unless the Secretary finds that one of the following conditions exist: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary finds that none of these conditions exist with respect to the requested product, and therefore, the Secretary will determine whether this product is in short supply not later than December 7, 1990.

**COMMENTS:** Interested parties wishing to comment upon this review must send written comments not later than November 28, 1990, to the Secretary of Commerce, Attention: Import Administration, Room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. Interested parties may file replies to any comments submitted. All replies must be filed not later than 5 days after November 28, 1990. All comments submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly

concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above noted short-supply review number.

**FOR FURTHER INFORMATION CONTACT:** Kathy McNamara or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230, (202) 377-1390 or (202) 377-0159.

Dated: November 15, 1990.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27394 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DS-M

## National Institute of Standards and Technology

[Docket No. 900815-0215]

### Precision Measurement Grants

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Announcing continuation of the NIST precision measurement grants program.

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Services; 11.609.

**SUMMARY:** The purpose of this notice is to inform potential applicants that the National Institute of Standards and Technology (NIST) is continuing \$180,000 per year program of research grants, formally titled Precision Measurement Grants, to scientists in U.S. academic institutions for significant, primarily experimental research, in the field of precision measurement and fundamental constants. Applications are now being accepted for two new NIST Precision Measurement Grants to be awarded beginning October 1, 1991 (fiscal year 1992). Each grant is in the amount of \$30,000 per year, renewable at NIST's option for up to two additional years, for a total of \$90,000.

**CLOSING DATE FOR APPLICATIONS:** February 1, 1991, is the deadline for applying for the FY 92 awards.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barry N. Taylor, Chairman, NIST Precision Measurement Grants

Committee, Building 221, room B160, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975-4220.

**SUPPLEMENTARY INFORMATION:** As authorized by section 2 of the Act of March 3, 1901 as amended (15 U.S.C. 272), the National Institute of Standards and Technology (NIST) conducts directly, and through grants and contracts, a basic and applied research program in the general area of precision measurement and the determination of fundamental constants of nature. As part of this research program, NIST has since 1970 awarded Precision Measurement Grants to scientists in U.S. academic institutions for significant, primarily experimental research in the field of precision measurement and fundamental constants.

NIST is now accepting applications for two new \$30,000 grants to be awarded for the period October 1, 1991, through September 30, 1992 (fiscal year 1992). Each grant may be renewed for up to two additional years for a total of \$90,000; however, future or continued funding will be at the discretion of NIST based on such factors as satisfactory performance and the availability of funds.

NIST sponsors these grants to encourage basic, measurement-related research in U.S. colleges and universities and to foster contacts between NIST scientists and those researchers in the U.S. academic community who are actively engaged in such work. The Precision Measurement Grants are also intended to make it possible for workers in U.S. academic institutions to pursue new measurement ideas for which other sources of support may be difficult to find. The Precision Measurement Grants Program does not involve the payment of any matching funds from a state or local government and does not directly affect any state or local government. Accordingly, NIST has determined that Executive Order 12372 is not applicable to the Precision Measurement Grants Program. This notice does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

### Research Topics/Who May Apply

There is considerable latitude in the kind of research projects which will be considered for support under the Precision Measurement Grants Program. The key requirement is that they generally support NIST work in the field of basic measurement science, for example:

Experimental and theoretical studies of fundamental physical phenomena to

\* Prefer 0.002% maximum sulfur.

\*\*Liquid steel to be calcium treated for inclusion shape control.



test the basic laws of physics or which may lead to improved or new fundamental measurement methods and standards.

The determination of important fundamental physical constants.

The development of new standards for physical measurement of the highest possible precision and accuracy.

In general, proposals for experimental research will be preference over proposals for theoretical research because of the greater expense or experimental work. Proposals from workers at the assistant and associate professor level who have some record of accomplishment are especially encouraged in view of the comparative difficulty aspiring researchers have in obtaining funds.

Typical projects which have been funded through the NIST Precision Measurement Grants Program include:

- "Measurement of fundamental constants using three-level resonances in hydrogen," Carl E. Wieman, University of Michigan.
- "Quantum limited measurement of a harmonic oscillator," William C. Oefke, University of Central Florida.
- "Fine-Structure constant determination using precision Stark spectroscopy," Michael G. Littman, Princeton University.
- "Eötös experiment-cryogenic version," D.F. Bartlett, University of Colorado.
- "A test of local Lorentz invariance using polarized  $^{21}\text{Ne}$  nuclei," T.E. Chupp, Harvard University.
- "A new method to search for an electric dipole moment of the electron," L.R. Hunter, Amherst College.
- "High precision timing of millisecond pulsars," D.R. Stinebring, Princeton University.
- "Precision optical spectroscopy of positronium," S. Chu, Stanford University.

#### Procedures

To simplify the proposal writing and evaluation process, the following selection procedure will be used:

Candidates are requested to submit a preapplication proposal to NIST by February 1, 1991 using standard form 424 with a description of their proposed work of no more than five double spaced pages.

Three copies should be sent to Dr. Barry N. Taylor at the address shown above.

On the basis of this material, four to eight semi-finalist candidates will be selected by the NIST Precision Measurement Grants Committee and the Outside Advisory Committee to submit more detailed proposals. The same committees will evaluate the detailed proposals, and on the basis of their evaluation, the two grantees for fiscal year 1992 will be selected. The semi-

finalists will be notified of their status by March 20, 1991, and will be requested to submit their full proposals to NIST by May 6, 1991. The successful grantees will be notified of their selection by August 15, 1991.

The criteria to be used in evaluating the preapplication proposals and full proposals include:

1. Importance of the proposed research to science—does it have the potential of answering some currently pressing question or of opening up a whole new area of activity?
2. The relationship of the proposal research to measurement science—is there a possibility that it will lead to a new or improved fundamental measurement methods, basic measurement unit, or physical standard? (Or to a better understanding of important, but already existing, measurement methods, measurement units, or physical standards?)
3. The feasibility to the research—is it likely that significant progress can be made in a three-year time period with the funds and personnel available?
4. The past accomplishments of the applicant—is the quality of the research previously carried out by the prospective grantee such that there is a high probability that the proposed research will be successfully carried out?

Each of these factors are given weight in the selection process.

Technical Questions concerning the NIST Precision Measurement Grants Program may be directed to the above address or call Dr. Taylor on (301) 975-4220.

#### Paperwork Reduction Act

The standard form 424 referenced in this notice is subject to the Paperwork Reduction Act and has been cleared under Office of Management and Budget (OMB) control number 0348-0006.

#### Additional Requirements

All applicants must submit a certificate ensuring the employees of the applicant are prohibited from engaging in the unlawful manufacturing, distribution, dispensing, possession or use of a controlled substance at the work site, as required by the regulations implementing the Drug-Free Workplace of 1988, 15 CFR part 26, subpart F.

Applicants are subject to the Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

Applicants are reminded that a false statement may be grounds for denial or termination of funds and grounds for possible punishment by fine or

imprisonment. Any recipients/applicants who have an outstanding indebtedness to the Department of Commerce will not receive a new award until the debt is paid or arrangements satisfactory to the Department are made to pay debt.

Applicants should be aware that all awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

#### Administrative Information

Contact: Grants Office, Office of Acquisition and Assistance Division, building 301/room B143, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975-6328.

Dated: November 15, 1990.

John W. Lyons,  
Director.

[FR Doc. 90-27436 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-13-M

#### National Oceanic and Atmospheric Administration

##### Taking and Importing of Marine Mammals

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, announces that on November 14, 1990, the United States Court of Appeals for the Ninth Circuit granted the Secretary of Commerce's motion to stay the October 19, 1990, preliminary injunction of the United States District Court for the Northern District of California ordering a prohibition on the importation of all yellowfin tuna and yellowfin tuna products from Mexico. Therefore, the prohibition on the importation of yellowfin tuna and yellowfin tuna products from Mexico announced in the Federal Register Notice of October 18, 1990, is no longer in effect.

**FOR FURTHER INFORMATION CONTACT:** E. Charles Fullerton, Regional Director, of J. Gary Smith, Deputy Regional Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, CA 90731, phone: (213) 514-6196.

Dated: November 16, 1990.

Michael F. Tillman,  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 90-27371 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-22-M



**Marine Mammals**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Application for public display permit, The Science Museum of Minnesota (P469).

**SUMMARY:** Notice is hereby given that an applicant has applied in due form for a Public Display Permit to collect and import the remains of one crabeater seal as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Ms. Mary A. Olson, Project Leader and Exhibit Developer, The Science Museum of Minnesota, Exhibit Division, 30 East Tenth Street, St. Paul, Minnesota 55101.

2. *Type of Permit:* Public Display.

3. *Name and Number of Animals:* Remains of one (1) crabeater seal (*Lobodon carcinophagus*).

4. *Type of Take:* The applicant requests authorization to collect and import a mummified salvaged specimen of one crabeater seal to be collected near McMurdo Station, Antarctica, packaged and shipped to St. Paul, Minnesota, to be prepared for public display in a national traveling museum exhibition. In addition to a NMFS permit that may be issued, the application states that the seal specimen will be lawfully removed from Antarctica under the terms of an Antarctic Conservation Act Permit issued by the National Science Foundation.

5. *Location and Duration of Activity:* Specimen to be collected near McMurdo Station, Antarctica, October 1, 1990 through October 1, 1991.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, room 7330, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the applicant and do not

necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702;

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, Alaska 99802; and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930.

**SUPPLEMENTARY INFORMATION:** The application states that the salvaged seal specimen will be collected by J. Ward Testa of the Institute of Marine Science, University of Alaska, Fairbanks, Alaska, who currently holds a NMFS permit. This permit, No. 689, authorizes the permit holder to take and import crabeater seals, in addition to other marine mammals, for scientific research purposes. The permit holder is also permitted to salvage and import any parts of natural fatalities of the authorized species. A permit may be issued to the applicant on the conditions that:

(1) NMFS is notified of the exact location the salvaged specimen will be collected from;

(2) The name of the collector of the salvaged specimen be provided to NMFS; and

(3) If the remains of one other such crabeater seal to be imported is collected from any Antarctic dry valley in which it may be found, the location should be provided NMFS.

Dated: November 9, 1990.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 90-27341 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-22-M

**National Technical Information Service****Prospective Grant of Exclusive Patent License**

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number 7-277,634 to

BioCarb, Inc., having a place of business at Gaithersburg, MD. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this publication Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The invention is a carbohydrate receptor for *Mycoplasma pneumoniae* and *Mycoplasma hominis* and its use detect mycoplasma in biological fluids and diseased tissue and cells. The receptor can be included in a composition having a pharmaceutically acceptable carrier. Methods are provided for purifying, detecting, or removing mycoplasma from diseased tissue or fluids. The receptor includes sulfatides, dextran sulfate, sialyloligosaccharides, and mixtures thereof.

The availability of the invention for licensing was published in the *Federal Register* Vol. 54, No. 2, p. 173 (January 4, 1989) as E-127-88. A copy of the instant patent application may be purchased from the NTIS Sales Desk by telephoning 703/487-4650 or by writing to Order Department, NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Papan Devnani, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151. Properly filed competing applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

[FR Doc. 90-27381 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-04-M

**Travel and Tourism Administration****Travel and Tourism Advisory Board; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (Pap. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on December 14, 1990 at 9 a.m. at Caesar's Palace, 3570



Las Vegas Boulevard South, Las Vegas, Nevada 89109. Meeting room will be announced on hotel directory.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent of the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Public Law 97-63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

- I. Call to Order
- II. Approval of Minutes
- III. USTTA Investment Missions
- IV. USTTA Budget Update
- V. USTTA Program Initiatives
- VI. Energy and Tourism
- VII. Review of Pre-clearance Program
- VIII. Miscellaneous
- IX. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, room 1865, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202-377-0140) will respond to public requests for information about the meeting.

Rockwell A. Schnabel,

*Under Secretary of Commerce for Travel and Tourism.*

[FR Doc. 90-27443 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-11-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Announcement of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Republic of El Salvador

November 16, 1990.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs establishing a limit for the new agreement year.

**EFFECTIVE DATE:** January 1, 1991.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Cotton Textile Agreement, effected by exchange of notes dated March 2, 1987 and April 30, 1987, as amended, between the Governments of the United States and the Republic of El Salvador establishes a limit for Categories 300/301 for the period January 1, 1991 through December 31, 1991.

A copy of the agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State (202) 647-3889.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (*see* Federal Register notice 54 FR 50797, published on December 11, 1989). Information regarding the 1991 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Dated: November 6, 1990.

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 16, 1990.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement, effected by exchange of notes dated March 2, 1987 and April 30, 1987; between the Governments

of the United States and the Republic of El Salvador; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300/301, produced or manufactured in El Salvador and exported during the twelve-month period which begins on January 1, 1991 and extends through December 31, 1991, in excess of 4,086,867 kilograms.

Imports charged to this category limit for the period January 1, 1990 through December 31, 1990 shall be charged against the level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The level set forth above is subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and the Republic of El Salvador.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 90-27438 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DR-M

##### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

November 16, 1990.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** November 26, 1990.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:



**Authority.** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 347/348/647/648 is being increased for swing and carryover. The limit for Categories 341/641 is being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 51218, published on December 13, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Dated: November 16, 1990.

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 16, 1990.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 6, 1989. That directive concerns imports into the United States of certain cotton, wool, man-made fiber and other vegetable fiber textiles and textile products, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

Effective on November 26, 1990, the directive of December 6, 1989 is being amended to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Jamaica:

Category	Adjusted 12-month limit <sup>1</sup>
341/641.....	385,886 dozen.
347/348/647/648.....	994,604 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1989.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 90-27439 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DR-M

**Amendment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Mexican States**

November 16, 1990.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** November 26, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-9481. For information on embargoes and quota re-openings, call (202) 377-3715.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the United Mexican States have agreed to amend the current designated consultation levels for Categories 347/348/647/648 (Normal Regime) and Categories 359-C/659-C (Special Regime).

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 51446, published on December 15, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Dated: November 16, 1990.

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 16, 1990.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive of December 11, 1989 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the United Mexican States and exported during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

Effective on November 26, 1990, the directive of December 11, 1989 is amended further to increase the special regime limit for Categories 359-C/659-C and the normal regime limit for Categories 347/348/647/648:

	Amended 12-month limit <sup>1</sup>
Special Regime Category:	
347/348/647/648.....	4,500,000 dozen.
359-C/659-C <sup>2</sup> .....	2,000,000 kilograms.
Normal Regime Category (Not subject to the Special Regime):	
347/348/647/648.....	700,000 dozen.
359-C/659-C (sublimit).	250,000 kilograms.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1989.

<sup>2</sup> Category 359-C: only HTS numbers  
6103.42.2010, 6103.42.2025, 6103.49.3034,  
6104.62.1010, 6104.62.1020, 6104.69.3010,  
6114.20.0042, 6114.20.0048, 6114.20.0052,  
6203.42.2005, 6203.42.2010, 6203.42.2090,  
6204.62.2005, 6204.62.2010, 6211.32.0007,  
6211.32.0010, 6211.32.0025, 6211.42.0007 and  
6211.42.0010; Category 659-C: only HTS numbers  
6103.23.0055, 6103.43.2015, 6103.43.2020,  
6103.49.2000, 6103.49.3038, 6104.63.1010,  
6104.63.1020, 6104.69.1000, 6104.69.3014,  
6114.30.3040, 6114.30.3050, 6203.43.2005,  
6203.43.2010, 6203.43.2090, 6203.49.1005,  
6203.49.1010, 6203.49.1090, 6204.63.1505,  
6204.63.1510, 6204.69.1005, 6204.69.1010,  
6210.10.4015, 6211.33.0007, 6211.33.0010,  
6211.33.0017, 6211.43.0007 and 6211.43.0010.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 90-27440 Filed 11-20-90; 8:45 am]

BILLING CODE 3510-DR-M



## COMMODITY FUTURES TRADING COMMISSION

### Policy Statement Concerning the Oversight of Screen-Based Trading Systems

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Statement of policy.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission"), a member of the International Organization of Securities Commissions ("IOSCO") and of IOSCO's Technical Committee, is hereby adopting a statement of regulatory policy for the oversight of screen-based trading systems for derivative products recommended by IOSCO on this day to all member jurisdictions during its annual meeting in Santiago, Chile. The "Principles for the Oversight of Screen-Based Trading Systems for Derivative Products" were formulated by eight jurisdictions which comprised Working Party 7 of the Technical Committee of IOSCO under the chairmanship of the Commission. These Principles were previously approved by IOSCO's Technical Committee on June 26, 1990 for recommendation to the member countries of IOSCO generally. The Principles are the first expression of international consensus with respect to the regulation of automated trading systems.

**EFFECTIVE DATE:** November 21, 1990.

**FOR FURTHER INFORMATION CONTACT:** Jane C. Kang, Special Counsel, John C. Lawton, Associate Director or Robert H. Rosenfeld, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254-8955.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

IOSCO is a private international organization which provides a forum for representatives of securities regulatory organizations to discuss issues of common interest and to facilitate the development of cooperative relationships between and among regulators. The Technical Committee of IOSCO was created in May 1987 to review major problems related to international securities transactions and to propose practical solutions to these problems. The following jurisdictions currently are represented on the Technical Committee: Australia, France, Germany, Hong Kong, Italy, Japan, Ontario, Quebec, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States.

The substantive issues addressed by the Technical Committee have been delegated to working parties of which there are currently eight.

In view of the increasing significance of derivatives as an aspect of financial services, Working Party 7 on Futures of the Technical Committee of IOSCO was formed in October 1988. Its membership included representatives from Australia, France, Germany, Italy, Japan, Switzerland, the United Kingdom, and the United States with Ontario, Quebec and Hong Kong participating as corresponding members. Its mandate included:

- (1) Consideration of existing criteria for the recognition of derivative markets, products and financial intermediaries;
- (2) Identification of issues related to screen-based trading systems for derivative products; and
- (3) The establishment of a mechanism to assure coordinated communications between and among derivative markets and their regulators.

The Commodity Futures Trading Commission has acted as chairman of this Working Party since its creation.

In considering the special concerns relative to screen-based trading systems, the Working Party identified and addressed the following issues: transparency; order execution algorithms; operational issues; security and system vulnerability; access; financial integrity; surveillance; disclosure; and the role of system providers. The Working Party considered these issues and articulated for each a broad principle which can assist regulatory authorities in overseeing screen-based trading systems.<sup>1</sup> The Working Party also developed a report which more fully articulates the types of regulatory considerations which each Principle entails.<sup>2</sup>

<sup>1</sup> For purposes of these Principles, the term "derivative products" refers to those products in which the exchange or market ("market") itself is the issuer, which are subject to the rules of the issuing market, and for which a clearing organization is used to settle profits and losses, make deliveries, and guarantee cleared trades.

<sup>2</sup> The Working Party has assembled the Principles and their supporting background papers in a report entitled "Screen-Based Trading Systems for Derivative Products." In addition to its work on screen-based trading systems, Working Party 7 has produced two other reports for the Technical Committee: "Collated Summary of Responses to Common Framework of Analysis and Cross Regulatory Summary Chart" which summarizes the various approaches to the regulation of derivative markets, products and financial intermediaries; and "Compliance Information Collection and Data Reporting Compendium and Chart" which identifies the types of information generated, collected or reported within the various reporting jurisdictions and which would be available to be shared for regulatory purposes.

On November 15, 1990, IOSCO during its annual meeting in Santiago, Chile adopted ten Principles for the oversight of screen-based trading systems and also encouraged its members with derivative markets to refer to these Principles in considering regulatory approaches to screen-based trading systems.

IOSCO intends the Principles to provide guidance to any regulatory authority responsible for the oversight of screen-based trading systems for derivative products, whether governmental, quasi-governmental, or private ("relevant regulatory authorities"). The basis for adoption of the Principles by IOSCO was the consensus that such authorities should articulate the jurisdictional interest and supervisory principles applicable to the organizations responsible for the screen-based trading systems such as an exchange ("system sponsor"), the organization or organizations which provides or provide the hardware, software, and/or the communications network and related services ("system providers"), the persons authorized to execute transactions on the system such as a broker-dealer ("system users"), and persons with financial exposure to the system ("system customers").

The Principles set out in broad terms the international consensus as to the regulatory considerations to be addressed in reviewing mechanisms for cross-border screen-based trading. As such they establish general policy goals that will guide the Commission in resolving issues arising from screen-based trading systems, but do not mandate a particular substantive response. Indeed, the Principles as adopted by IOSCO contemplate that individual jurisdictions will take account of differences in national legal standards, regulatory policies, and market custom or practice in addressing the concerns thereby identified.

The Commission believes that the Principles adopted by IOSCO to address the unique regulatory concerns raised by screen-based trading systems are consistent with the CFTC's broad regulatory objectives of market integrity and customer protection. For example, the Commission believes that the Principles reflect the policy considerations underlying the Commission's recent evaluation and approval of the Chicago Mercantile Exchange's Globex trading system and the Amex Commodities Corporation's Amex Access system.

The Commission further believes that the statement as articulated by IOSCO that the Principles "reflect the shared



objectives of ensuring that, among jurisdictions, the levels of investor protection and regulation [of screen-based systems] are adequate" endorse a laudable endeavor in the increasing international and technologically innovative financial markets. Therefore, by this action, the Commission wishes to add its support toward achieving the goal of effective regulation of cross border systems which facilitates international cooperation but does not impair the ability of system providers and sponsors to develop and implement innovative technologies.

Accordingly, the Commission is adopting the ten Principles as set forth below.<sup>3</sup>

## H. Principles for the Oversight of Screen-Based Trading Systems for Derivative Products

1. The system sponsor should be able to demonstrate to the relevant regulatory authorities that the system meets and continues to meet applicable legal standards, regulatory policies, and/or market custom or practice where relevant.

2. The system should be designed to ensure the equitable availability of accurate and timely trade and quotation information to all system participants and the system sponsor should be able to describe to the relevant regulatory authorities the processing, prioritization, and display of quotations within the system.

3. The system sponsor should be able to describe to the relevant regulatory authorities the order execution algorithm used by the system, *i.e.*, the set of rules governing the processing, including prioritization, and execution of orders.

4. From a technical perspective, the system should be designed to operate in a manner which is equitable to all market participants and any differences in treatment among classes of participants should be identified.

5. Before implementation, and on a periodic basis thereafter, the system and system interfaces should be subject to an objective risk assessment to identify vulnerabilities (*e.g.*, the risk of unauthorized access, internal failures, human errors, attacks, and natural catastrophes) which may exist in the system design, development, or implementation.

<sup>3</sup> The Principles set out in broad terms regulatory considerations arising from cross-border screen-based trading, and not the specific concerns of some members in respect of the particular laws applying to their jurisdiction (*e.g.*, those dealing with anticompetitive rules and practices, margin levels, or capital requirements.)

6. Procedures should be established to ensure the competence, integrity, and authority of system users, to ensure that system users are adequately supervised, and that access to the system is not arbitrarily or discriminatorily denied.

7. The relevant regulatory authorities and the system sponsor should consider any additional risk management exposures pertinent to the system, including those arising from interaction with related financial systems.

8. Mechanisms should be in place to ensure that the information necessary to conduct adequate surveillance of the system for supervisory and enforcement purposes is available to the system sponsor and the relevant regulatory authorities on a timely basis.

9. The relevant regulatory authorities and/or the system sponsor should ensure that system users and system customers are adequately informed of the significant risks particular to trading through the system. The liability of the system sponsor, and/or the system providers to system users and system customers should be described, especially any agreements that seek to vary the allocation of losses that otherwise would result by operation of law.

10. Procedures should be developed to ensure that the system sponsor, system providers, and system users are aware of and will be responsive to the directives and concerns of relevant regulatory authorities.

Copies of the report of the Technical Committee supporting the Principles as well as other Technical Committee reports developed by Working Party 7 are available from the Secretariat.

Issued in Washington, DC on November 15, 1990 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-27342 Filed 11-20-90; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Privacy Act of 1974; Amend Record Systems

**AGENCY:** Department of the Army, DOD.

**ACTION:** Amend identification numbers and titles.

**SUMMARY:** The Department of the Army proposes to amend the record system identification numbers of its records systems notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The Department of the Army is now using the Modern Army Recordkeeping

System (MARKS) and this amendment reflects these changes to the record system identification numbers contained in this amendment.

**EFFECTIVE DATE:** The proposed action will be effective without further notice on November 21, 1990.

**ADDRESSES:** Contact Ms. Alma Lopez, Office of Systems Management Branch (ASOP-MP) Ft. Huachuca, AZ 85613-5000.

**FOR FURTHER INFORMATION CONTACT:** The Department of the Army record system notices subject to the Privacy Act of 1974, as amended, have been published in the Federal Register as follows:

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)

51 FR 23576, Jun. 30, 1986

51 FR 30900, Aug. 29, 1986

51 FR 40479, Nov. 7, 1986

51 FR 44361, Dec. 9, 1986

52 FR 11847, Apr. 13, 1987

52 FR 18798, May 19, 1987

52 FR 25905, Jul. 9, 1987

52 FR 32329, Aug. 27, 1987

52 FR 43932, Nov. 17, 1987

53 FR 12971, Apr. 20, 1988

53 FR 16575, May 10, 1988

53 FR 21509, Jun. 8, 1988

53 FR 28247, Jul. 27, 1988

53 FR 28249, Jul. 27, 1988

53 FR 28430, Jul. 28, 1988

53 FR 34576, Sep. 7, 1988

53 FR 49586, Dec. 8, 1988

53 FR 51580, Dec. 22, 1988

54 FR 10034, Mar. 9, 1989

54 FR 11790, Mar. 22, 1989

54 FR 14835, Apr. 13, 1989

54 FR 46965, Nov. 8, 1989

54 FR 50268, Dec. 5, 1989

55 FR 13935, Apr. 13, 1990

55 FR 21897, May 30, 1990 (Army Address Directory)

55 FR 41743, Oct. 15, 1990

The amendments are not within the purview of subsection (r) of the Privacy Act, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the record systems are set forth below.

Dated: November 16, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

#### Amendments

##### SYSTEM IDENTIFICATION AND NAME:

A0101.02DAAG, Carpool Information/Registration System, to: A0001SAIS, Carpool Information/Registration System.

##### SYSTEM IDENTIFICATION AND NAME:

A0101.20DAMI, Controlled Accountable Document Inventory System, to: A0001DAMI, Controlled



Accountable Document Inventory System.

**SYSTEM IDENTIFICATION AND NAME:**

A0102.02DAAG, Office Visitor/Commercial Solicitor Files, to: A0001aTAPC, Office Visitor/Commercial Solicitor Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0102.03DAPE, Professional Staff Information Files, to: A001DAPE-ARI, Professional Staff Information File.

**SYSTEM IDENTIFICATION AND NAME:**

A0102.03DAIM, Personnel Locator/Organizational Roster/Telephone Directory, to: A0001DAPE, Personnel Locator/Organizational Roster/Telephone Directory.

**SYSTEM IDENTIFICATION AND NAME:**

A0102.13DAPC, Administrative Military Personnel Records, to: A0001bTAPC, Administrative Military Personnel Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0224.04DAIG, Inspector General Investigative Files, to: A0020-1aSAIG, Inspector General Investigative Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0224.05DAIG, Inspector General Action Request/Complaint Files, to: A0020-1bSAIG, Inspector General Action Request/Assistance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0225.12DAIM, Access to Computer Areas, Systems Electronically and/or Data Control Records, to: A0380-380SAIS, Access to Computer Areas, Systems Electronically and/or Data Control Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0228.01DAMH, Army History Files, to: A0870-5DAMH, Army History Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0239.01DAAG, Request for Information Files, to: A0025-55SAIS, Request for Information Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0240.01DAAG, Privacy Case Files, to: A0340-21SAIS, Privacy Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0241.01HQDA, HQDA Correspondence and Control/Central Files System, to: A0340JDMSS, HQDA Correspondence and Control/Central Files System.

**SYSTEM IDENTIFICATION AND NAME:**

A0301.07DAAG, Army Club Membership Files, to: A0215-2aCFSC, Army Club Membership Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0301.08bDACA, Contractor Indebtedness Files, to: 0037-103aSAFM, Contractor Indebtedness Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0302.03DACA, Subsidiary Ledger Files (Accounts Receivable), to: A0037-103bSAFM, Subsidiary Ledger Files (Accounts Receivable).

**SYSTEM IDENTIFICATION AND NAME:**

A0302.06DACA, Absentee Apprehension/Reward/Expenses Payment System, to: A0037-107bSAFM, Absentee Apprehension/Reward/Expenses Payment System.

**SYSTEM IDENTIFICATION AND NAME:**

A0305.04aDACA, Travel Payment System, to: A0037-107bSAFM, Travel Payment System.

**SYSTEM IDENTIFICATION AND NAME:**

A0305.08DACA, Military Pay System—Active Army (Manual), to: A0037-104-3aSAFM, Military Pay System—Active Army (Manual).

**SYSTEM IDENTIFICATION AND NAME:**

A0305.10aDACA, Joint Uniform Military Pay System—Active Army (JUMPS-AA), to: A0037-104-3bSAFM, Joint Uniform Military Pay System—Active Army (JUMPS-AA).

**SYSTEM IDENTIFICATION AND NAME:**

A0305.10bDACA, Joint Uniform Military Pay System—Reserve Components—Army, to: A0037-104-3cSAFM, Joint Uniform Military Pay System—Reserve Components—Army.

**SYSTEM IDENTIFICATION AND NAME:**

A0305.10cDACA, Joint Uniform Military Pay System—Army—Retired Pay, to: A0037-104-1aSAFM, Joint Uniform Military Pay System—Army—Retired Pay.

**SYSTEM IDENTIFICATION AND NAME:**

A0305.10dDACA, Health Professions Scholarship Program, to: A0037-104-3DASG, Health Professions Scholarship Program.

**SYSTEM IDENTIFICATION AND NAME:**

A0305.11DAPA, USMA Cadet Account System, to: A0037-104-13TAPC, USMA Cadet Account System.

**SYSTEM IDENTIFICATION AND NAME:**

A0306.01DACA, Civilian Employee Pay System, to: A0037-105aSAFM, Civilian Employee Pay System.

**SYSTEM IDENTIFICATION AND NAME:**

A0306.02DACA, Nonappropriated Funds Central Payroll System (NAFCPS), to: A0215-1aSAFM,

Nonappropriated Funds Central Payroll System (NAFCPS).

**SYSTEM IDENTIFICATION AND NAME:**

A0306.20DACA, Military and Civilian Waiver Files, to: A0037-105bSAFM, Military and Civilian Waiver Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0309.05DAAG, Resource Management and Cost Accounting Files, to: A0037-1DAPE, Resource Management and Cost Accounting Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0314.08DACA, Check Cashing Privilege Files, to: A0210-60SAFM, Check Cashing Privilege Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0314.09DACA, Nonappropriated Fund Accounts Receivable System, to: A0215-1bSAFM, Nonappropriated Fund Accounts Receivable System.

**SYSTEM IDENTIFICATION AND NAME:**

A0314.24DAAG, Nonappropriated Fund Employee Insurance and Retirement Files, to: A0215-1CFSC, Nonappropriated Fund Employee Insurance and Retirement Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.01DACA, Debt Collection System, to: A0037-104-1bSAFM, Debt Management System.

**SYSTEM IDENTIFICATION AND NAME:**

A019.01bDAEN, Corps of Engineers Debt Collection System, to: A0037-108CE, Corps of Engineers Debt Collection System.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.04DACA, Validation Files, to: A0037-103cSAFM, Validation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.06DACA, Household Goods Shipment Excess Cost Collection Files, to: A0055-71SAFM, Household Goods Shipment Excess Cost Collection Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.07DACA, FHA Mortgage Payment Insurance Files, to: A0037-202SAFM, FHA Mortgage Payment Insurance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.10DACA, Conversion Files, to: A0037-103dSAFM, Conversion Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.11DACA, Disbursing Office Establishment and Appointment Files, to: A0037-103eSAFM, Disbursing Office Establishment and Appointment Files.



**SYSTEM IDENTIFICATION AND NAME:**

A0319.13DACA, Bankruptcy Processing Files, to: A0037-105cSAFM, Bankruptcy Processing Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0319.14DACA, Pecuniary Charge Appeal Files, to: A0027-20SAFM, Pecuniary Charge Appeal Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0320.01DAEN, Corps of Engineers Management Information System Files, to: A0037-2-1CE, Corps of Engineers Management Information System Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0401.02DAAC, Mailing List for Army Newspapers/Periodicals/Catalogs, to: A0360SAIS, Mailing List for Army Newspapers/Periodicals/Catalogs.

**SYSTEM IDENTIFICATION AND NAME:**

A0401.07aOSA, Media Contact Files, to: A0360SAPA, Media Contact Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0401.08DAJA, Prosecutorial Files, to: A0027-10aDAJA, Prosecutorial Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0402.01DAJA, General Legal Files, to: A0027-1DAJA, General Legal Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0402.06DAJA, Legal Assistant Files, to: A0027-3DAJA, Legal Assistance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0403.01DAJA, U.S. Army Claims, Service Management Information Systems, to: A0027-20aDAJA, U.S. Army Claims Service management Information Systems.

**SYSTEM IDENTIFICATION AND NAME:**

A0403.06DAJA, Tort Claim Files, to: A0027-20bDAJA, Tort Claim Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0403.16DAJA, Army Property Claim Files, to: A0027-20cDAJA, Army Property Claim Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0403.17DAJA, Medical Expense Claim Files, to: A0027-20dDAJA, Medical Expense Claim Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0404.02DAJA, Courts-Martial Files, to: A0027-10bDAJA, Courts-Martial Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0405.02DAJA, Foreign Jurisdiction Case Files, to: A0027-50DAJA, Foreign Jurisdiction Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0406.01USAREUR, Civil Process Case Files, to: A0027DAJA, Civil Process Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0406.08DAJA, Patent, Copyright, Trademark, and Proprietary Data Files, to: A0027-60aDAJA, Patent, Copyright, Trademark, and Proprietary Data Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0406.01DAJA, Patent, Copyright, and Data license Proffers, Infringement Claims and Litigation Files, to: A0027-60bDAJA Patent, Copyright, and Data License Proffers, Infringement Claims and Litigation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0410.01DAJA Litigation Case Files, to: A0027-40dDAJA, Litigation Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0411.03OSA, Congressional Inquiry File, to: A0001-20SALL, Congressional Inquiry File.

**SYSTEM IDENTIFICATION AND NAME:**

A0411.05OSA, Biographical Files of Members of Congress, to: A0360-5SALL, Biographies: Members of Congress.

**SYSTEM IDENTIFICATION AND NAME:**

A0412.01MDW, State, Official, and Special Military Funeral Plans, to: A0600-25MDW, State, Official, and Special Military Funeral Plans.

**SYSTEM IDENTIFICATION AND NAME:**

A0412.07DAJA, Witness Appearance Files, to: A0027-10cDAJA, Witness Appearance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0412.14OSA, Biography Files, to: A0360-5SAPA, Biography Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0501.02bDACF, Vendor Misconduct/Fraud/Mismanagement Information System, to: A0210-7ACFSC, Vendor Misconduct/Fraud/Mismanagement Information Exchange Program.

**SYSTEM IDENTIFICATION AND NAME:**

A0501.08eUSACIDC, Informant Register, to: A0195-2aUSACIDC, Source Register.

**SYSTEM IDENTIFICATION AND NAME:**

A0502.03aDAMI, Intelligence Collection Files, to: A0381-100aDMAI, Intelligence Collection Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0502.03bDAMI, Technical Surveillance Index, to: A0381-100bDAMI, Technical Surveillance Index.

**SYSTEM IDENTIFICATION AND NAME:**

A0502.08DAMI, Badge and Credential Files, to: A0381-20DAMI, Badge and Credential Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0502.10aDAMI, USAINSCOM Investigative Files System, to: A0381-45aDAMI, USAINSCOM Investigative Files System.

**SYSTEM IDENTIFICATION AND NAME:**

A0503.03aDAMI, Department of Army Operational Support Activities, to: A0381-45bDAMI, Department of Army Operational Support Activities.

**SYSTEM IDENTIFICATION AND NAME:**

A0503.06aDAMI, Counterintelligence Operations Files, to: A0381-45cDAMI, Counterintelligence Operations Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0506.01fDAMI, Personnel Security Clearance Information Files, to: A0380-67DAMI, Personnel Security Clearance Information Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0506.01jUSAREUR, Employee Screening Program/Installation Access Files, to: A0380-67USAREUR, Employee Screening Program/Installation Access Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.04USACIDC, U.S. Army Criminal Investigation Fund Vouchers, to: A0195-4USACIDC, U.S. Army Criminal Investigation Fund Vouchers.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.07USACIDC, Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files, to: A0195-6USACIDC, Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.11USACIDC, Criminal Investigation and Crime Laboratory Files, to: A0195-2bUSACIDC, Criminal Investigation and Crime Laboratory Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.16aDAPE, Absentee Case Files, to: A0190-9DAMO, Absentee Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.17bDAPE, Ration Control/Blackmarket Monitoring Files, to: A0060-20DAMO, Ration Control/Blackmarket Monitoring Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0508.24aDAPE, Serious Incident Reporting Files, to: A0190-40DAMO, Serious Incident Reporting Files.



**SYSTEM IDENTIFICATION AND NAME:**

A0509.02DACF, Security Badge/Identification Card Files, to: A0190-13CFSC, Security Badge/Identification Card Files

**SYSTEM IDENTIFICATION AND NAME:**

A0509.03DAPE, Trophy Firearm Registration, to: A0608-4DAMO, Trophy Firearm Registration.

**SYSTEM IDENTIFICATION AND NAME:**

A0509.08aDAPE, Registration and Permit Files, to: A0190-14DAMO, Registration and Permit Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0509.10DAPE, Law Enforcement: Offense Reporting System (MPMIS), to: A0190-45DAMO, Law Enforcement: Offense Reporting System (MPMIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0509.18aDACF, Commercial Solicitation Ban List, to: A0210-7bCFSC, Commercial Solicitation Ban List.

**SYSTEM IDENTIFICATION AND NAME:**

A0509.18bDAPE, Expelled or Barred Person Files, to: A0210-7DAMO, Expelled or Barred Person Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0509.19aDAPE, Military Police Investigator Certification Files, to: A0190-30DAMO, Military Police Investigator Certification Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0509.21aDAPE, Local Criminal Information Files, to: A0380-13DAMO, Local Criminal Intelligence Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0511.05DAPE, Traffic Law Enforcement/Vehicle Registration System: MPMIS, to: A0190-5DAMO, Traffic Law Enforcement/Vehicle Registration System: MPMIS.

**SYSTEM IDENTIFICATION AND NAME:**

A0603.05DARP, Human Resources Information System (HRIS), to: A0570-4DARP, Human Resources Information System (HRIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0607.01DAPE, Accident/Incident Case Files: Army Safety Management Information System, to: A0385-10/40ASO, Army Safety Management Information System (ASMIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0609.01DASG, Radiation Exposure Records, to: A0040-14DASG, Radiation Exposure Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0611.05DAPC, Individual Gravesite Reservation Files, to: A0210-190TAPC, Individual Gravesite Reservation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0614.01NGB, Equal Opportunity Investigative Files, to: A0600-20NGB, Equal Opportunity Investigative Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0614.03aDAPE, Equal Opportunity and Equal Employment Opportunity Complaint Files, to: A0690-600SAMR, Equal Opportunity and Equal Employment Opportunity Complaint Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0701.01DAPC, Classification, Reclassification, Utilization of Soldiers, to: A0600-200TAPC, Classification, Reclassification, Utilization of Soldiers.

**SYSTEM IDENTIFICATION AND NAME:**

A0701.02aDAPC, Qualitative Management Program Appeal File, to: A0601-280aTAPC, Qualitative Management Program Appeal File.

**SYSTEM IDENTIFICATION AND NAME:**

A0701.02cDAPC, Separation Transaction Control/Records Transfer System, to: A0635-5TAPC, Separation Transaction Control/Records Transfer System.

**SYSTEM IDENTIFICATION AND NAME:**

A0701.02eDAPC, Major Command Military Personnel Management Reporting System, to: A0600-8TAPC, Major Command Military Personnel Management Reporting System.

**SYSTEM IDENTIFICATION AND NAME:**

A0701.02fDAPC, Selective/Variable Reenlistment Bonuses, to: A0601-280bTAPC, Selective/Variable Reenlistment Bonuses.

**SYSTEM IDENTIFICATION AND NAME:**

A0702.03aUSAREC, Enlisted Eligibility Files, to: A0601-210aUSAREC, Enlisted Eligibility Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0702.04bDAPC, Eligibility Determination Files, to: A0601-210TAPC, Eligibility Determination Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0702.08aDASG, Army Medical Procurement Applicant Files, to: A0601-141DASG, Army Medical Procurement Applicant Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0703.04DAPC, ROTC Applicant/Member Records, to: A0145-

1aTRADOC-ROTC, ROTC Applicant/Member Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.04bUSMEPCOM, US Military Entrance Processing Reporting System, to: A0601-270USMEPCOM, US Military Entrance Processing Reporting System.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.06DAPE, Army Recruiting Prospect System, to: A0601-210DAPE, Army Recruiting Prospect System.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.06bDAPE, Army Reserve Officers Training Corps LEADS Referral Card System, to: A0145-1TRADOC, Army Reserve Officers' Training Corps Gold QUEST Referral System.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.10bUSMEPCOM, ASVAB Student Test Scoring and Reporting System, to: A0601-222USMEPCOM, ASVAB Student Test Scoring and Reporting System.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.10aUSAREC, Recruiter Impropriety Case Files, to: A0601-210bUSAREC, Recruiter Impropriety Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0704.11DAPC, Recruiter Identification/Assignment Records, to: A0614-100/200USAREC, Recruiter Identification/Assignment Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0705.01DAPC, Officer Appointment Files, to: A0601-100TAPC, Officer Appointment Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0706.02DACF, Departure Clearance Files, to: A0210-10TAPC, Departure Clearance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0707.05DACF, Privilege Card Application Files, to: A0640-3CFSC, Privilege Card Application Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.01aDAPC, Military Personnel Records Jacket Files, to: A0640-10aTAPC, Military Personnel Records Jacket Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.01bNGB, Army National Guard Automated Personnel Reporting System, to: A0640-10aNGB, Standard Installation/Division Personnel System—Army National Guard.



**SYSTEM IDENTIFICATION AND NAME:**

A0708.01cNGB, Military Personnel Records Jacket (NGB), to: A0640-10bNGB, Military Personnel Records Jacket (NGB).

**SYSTEM IDENTIFICATION AND NAME:**

A0708.02aDAPC, Official Military Personnel File, to: A0640-10bTAPC, Official Military Personnel File.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.02bNGB, Official Military Personnel File (Army National Guard), to: A0640-10cNGB, Official Military Personnel File (Army National Guard).

**SYSTEM IDENTIFICATION AND NAME:**

A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), to: A0680-31aTAPC, Officer Personnel Management Information System (OPMIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0708.02dDAPC, Enlisted Personnel Management Information System (EPMIS), to: A0680-31bTAPC, Enlisted Personnel Management Information System (EPMIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0708.03aDAPE, Special Review Board Appeal Case Summary File, to: A0600-37aDAPE, Special Review Board Appeal Case Summary File.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.05DAPC, Emergency Data Files, to: A0600-8-1aTAPC, Emergency Data Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.07DAPE, Unfavorable Information Files, to: A0600-37bDAPE, Unfavorable Information Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.08DAPC, Career Management Individual Files, to: A0640-10cTAPC, Career Management Individual Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.13DAIG, Inspector General Personnel System, to: A0614-100/200SAIG, Inspector General Personnel System.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.13DAMI, INSCOM, Personal Qualification and Training Profile, to: A0350-1DAMI, INSCOM, Personal Qualification and Training Profile.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.16USREDCOM, Military Personnel Data File, USREDCOM, to: A0220-1USSOCOM, Military Personnel Data File, USSOCOM.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.18DAPC, Line of Duty Investigations, to: A0600-8-1bTAPC, Line of Duty Investigations.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.19OSA, Correction of Military Records Cases, to: A0015-185SFMR, Correction of Military Records Cases.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.20DARC, Philippine Army Files, to: A0640-10DARP, Philippine Army Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0708.24DAPE, DA Conscientious Objector Review Board, to: A0614-30DAPE, DA Conscientious Objector Review Board.

**SYSTEM IDENTIFICATION AND NAME:**

A0709.01aDAPE US Military Academy Candidate Files, to: A0351-17aTAPC-USMA, U.S. Military Academy Candidate Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0709.03DAPE, U.S. Military Academy Personnel Cadet Records, to: A0351-17bTAPC-USMA, U.S. Military Academy Personnel Cadet Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0710.02DAJA, JAGC Reserve Components Officer Personnel Records, to: A014DAJA, JAGC Reserve Components Officer Personnel Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0710.08DAAR, Career Management Files of Dual Component Personnel, to: A0600DARP, Career Management Files of Dual Component Personnel.

**SYSTEM IDENTIFICATION AND NAME:**

A0710.09DAAG, Personnel Management/Action Officer Files, to: A0640DARP, Personnel Management/Action Officer Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0713.09aTRADOC, Skill Qualification Test (SQT), to: A0350-37TRADOC, Skill Qualification Test (SQT).

**SYSTEM IDENTIFICATION AND NAME:**

A0714.03DAPE, Evaluation/Assignment of Academic Instructors, to: A0614-100/200TAPC-USMA—Evaluation/Assignment of Academic Instructors.

**SYSTEM IDENTIFICATION AND NAME:**

A0715.06aDAPC, Standards Installation/Division Personnel System (SIDPERS), to: A0600-8bTAPC, Standard Installation/Division Personnel System (SIDPERS).

**SYSTEM IDENTIFICATION AND NAME:**

A0715.07bDAPE, Standard Installation/Division Personnel System—USAR.

**SYSTEM IDENTIFICATION AND NAME:**

A0715.07cUSFK, Command Unique Personnel Information Data System (CUPIDS), to: A0600-8USFK, Command Unique Personnel Information Data System (CUPIDS).

**SYSTEM IDENTIFICATION AND NAME:**

A0715.07dDARC, Individual Ready, Standby, and Retired Reserve Personnel Information System, to: A0600-8DARP, Individual Ready, Standby, and Retired Reserve Personnel Information System.

**SYSTEM IDENTIFICATION AND NAME:**

A0718.01DAPC, Military Awards Case File, to: A0672-5-1TAPC, Military Awards Case File.

**SYSTEM IDENTIFICATION AND NAME:**

A0720.04DAPE, Army Correctional System: Correctional Treatment Records, to: A0190-47DAMO, Correctional Reporting System (CRS).

**SYSTEM IDENTIFICATION AND NAME:**

A0722.02DACH, Baptism, Marriage, and Funeral Files, to: A0165-1aDACH, Baptism, Marriage, and Funeral Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0722.05DACH, Chaplain Counseling/Interview Files, to: A0165-1bDACH, Chaplain Privileged Counseling/Interview Communication Cases.

**SYSTEM IDENTIFICATION AND NAME:**

A0722.06DACH, Religious Census, Education, and Registration Files, to: A0165-1cDACH, Religious Census, Education, and Registration Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0723.01DAAG, Morale, Welfare, Recreational and Entertainment Records, to: A0215CFSC, Morale, Welfare, Recreational and Entertainment Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0725.01aDACF, Child Care Centers Registration Files, to: A0608-10CFSC, Child Development Services (CDS).

**SYSTEM IDENTIFICATION AND NAME:**

A0725.01bDACF, Family Life Communications Information and Referral Service, to: A0608aCFSC, Family Life Communications Information and Referral Service.

**SYSTEM IDENTIFICATION AND NAME:**

A0725.01cDAPC, Personal Affairs Files, to: A0608TAPC, Personal Affairs Files.



**SYSTEM IDENTIFICATION AND NAME:**

A0725.01dDACE, Personnel Affairs: Army Community Service Assistance Files, to: A0608bCFSC, Personnel Affairs: Army Community Service Assistance Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0725.06aDACE, Army Emergency Relief Transaction File, to: A0930-4CFSC, Army Emergency Relief Transaction File.

**SYSTEM IDENTIFICATION AND NAME:**

A0726.06DAPC, Casualty Information System (CIS), to: A0600-8-1cTAPC, Casualty Information System (CIS).

**SYSTEM IDENTIFICATION AND NAME:**

A0727.01DAPC, Separations: Administrative Board Proceedings, to: A0635-200TAPC, Separations: Administrative Board Proceedings.

**SYSTEM IDENTIFICATION AND NAME:**

A0727.050SA, Army Council of Review Boards, to: A0015-180SFMR, Army Council of Review Boards.

**SYSTEM IDENTIFICATION AND NAME:**

A0727.08DAPC, Temporary Disability Retirement Master List (TDRL), to: A0635-40TAPC, Temporary Disability Retirement Master List (TDRL).

**SYSTEM IDENTIFICATION AND NAME:**

A0727.09DAAG, Army Civilian/Military Service Review Board, to: A0015-34DARP, Army Civilian/Military Service Review Board.

**SYSTEM IDENTIFICATION AND NAME:**

A0728.01DAAG, Army Retirement Services Program Files, to: A0608-25CFSC, Army Retirement Services Program Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0807.01DAPE, School Employee Files, to: A0690-200DAPE, School Employee Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0807.05DAPE, NAF Personnel Records, to: A0215-3DAPE, NAF Personnel Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0807.14DAPE, Department of the Army Civilian Personnel Systems, to: A0690-200TAPC, Department of the Army Civilian Personnel Systems.

**SYSTEM IDENTIFICATION AND NAME:**

A0812.03DAPE, Grievance Records, to: A0690-700DAPE, Grievance Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0901.02DASG, Medical Facility Administration Records, to:

A0040DASG, Medical Facility Administration Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0903.07DASG, Entrance Medical Examination Files, to: A0040-400DASG, Entrance Medical Examination Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0906.01DASG, Medical Review Files, to: A0040-3aDASG, Medical Review Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0906.04DASG, Medical Evaluation Files, to: A0040-3bDASG, Medical Evaluation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0909.04DASG, Medical Regulating Files, to: A0040-3cDASG, Medical Regulating Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0912.01bDASG, Professional Consultant Control Files, to: A0040-1DASG, Professional Consultant Control Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0912.01cDASG, Professional Personnel Information File, to: A0040-1HSC, Professional Personnel Information File.

**SYSTEM IDENTIFICATION AND NAME:**

A0912.04DASG, Medical Staff Credentials Files, to: A0040-66aDASG, Medical Staff Credentials Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0914.02DASG, Pathology Consultant Record Files, to: A0040-31aDASG, Pathology Consultant Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0914.04DASG, Research and Experimental Case Files, to: A0040-31bDASG, Research and Experimental Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0917.01DASG, Health Care and Medical Treatment Record System, to: A0040-66bDASG, Health Care and Medical Treatment Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0917.09aDAPE, Alcohol and Drug Abuse Rehabilitation Files, to: A0600-85DAPE, Alcohol and Drug Abuse Rehabilitation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A0917.10DASG, Family Advocacy Case Management, to: A0608-18DASG, Family Advocacy Case Management.

**SYSTEM IDENTIFICATION AND NAME:**

A0922.01DASG, Occupational Health Records, to: A0040-5DASG, Occupational Health Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0924.01DASG, Army Community Health Nursing Records—Family Records, to: A0040-407DASG, Army Community Health Nursing Records—Family Records.

**SYSTEM IDENTIFICATION AND NAME:**

A0929.02DASG, Privately Owned Animal Record Files, to: A0040-905DASG, Privately Owned Animal Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1004.06TRADOC, ROTC Financial Assistance (Scholarship) Application File, to: A0145-1bTRADOC-ROTC, ROTC Financial Assistance (Scholarship) Application File.

**SYSTEM IDENTIFICATION AND NAME:**

A1005.01DAPE, Junior ROTC/NDCC Instructor Files, to: A0145-2TRADOC, Junior ROTC/NDCC Instructor Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.01DAPE, Applicants/Students, USMA Prep School, to: A0351-12DAPE Applicants/Students, USMA Prep School.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03aTRADOC, Army School Student Files, to: A0351aTRADOC, Army School Student Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03bAMC, Student/Faculty Records: AMC Schools System, to: A0351AMC, Student/Faculty Records: AMC Schools Systems.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03dTRADOC, TRADOC Educational Data System, to: A0351bTRADOC, Army Correspondence Course Program (ACCP).

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03fDASG, Army School Student Files: Physical Therapy Program, to: A0351DASG, Army School Student Files: Physical Therapy Program.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03gHSC, Academy of Health Sciences: Academic and Supporting Records, to: A0351HSC-AHS, Academy of Health Sciences: Academic and Supporting Records.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03iDLI, Standardized Student Records System, to: A0351cTRADOC, Standardized Student Records System.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03jHSC, Practical Nurse Course Files, to: A0351HSC, Practical Nurse Course Files.



**SYSTEM IDENTIFICATION AND NAME:**

A1012.03kUSAREUR, Individual Academic Record Files, to: A0351USAREUR, Individual Academic Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03oDAMO, USAWC Cooperative Degree Program Files, to: A0351DAMO, USAWC Cooperative Degree Program Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1012.03pDAPE, Army Training Requirements and Resources System (ATRRS), to: A0351DAPE, Army Training Requirements and Resources System (ATRRS).

**SYSTEM IDENTIFICATION AND NAME:**

A1012.04hDAMO, NDU National Defense University Student Data Files, to: A0351NDU, NDU National Defense University Student Data Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1013.01DAPC, Civilian Schooling for Military Personnel, to: A0621-1TAPC—Civilian Schooling for Military Personnel.

**SYSTEM IDENTIFICATION AND NAME:**

A1013.02DASG, Long-Term Civilian Training Student Contract Files, to: A0621-1DASG, Long-Term Civilian Training Student Control Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1014.01DAPE, Army Continuing Education System, to: A0621-1DAPE, Army Continuing Education System.

**SYSTEM IDENTIFICATION AND NAME:**

A1015.01DAAG, Dependent Children School Program Files, to: A0352-3CFSC, Dependent Children School Program Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1019.01OSA, Civilian Marksmanship Program, to: A0920-15SFD, Civilian Marksmanship Program.

**SYSTEM IDENTIFICATION AND NAME:**

A1019.03FORSCOM, US Army Marksmanship Unit DATA System (AMUDS), to: A0350-6FORSCOM, US Army Marksmanship Unit Data System (AMUDS).

**SYSTEM IDENTIFICATION AND NAME:**

A1021.01NDU, DODCI Student Record System, to: A0351aNDU-CI, DODCI Student Record System.

**SYSTEM IDENTIFICATION AND NAME:**

A1021.02NDU, DODCI Student/Faculty-Senior Staff Biography System, to: A0351bNDU-CI, DODCI Student/Faculty/Senior Staff Biography System.

**SYSTEM IDENTIFICATION AND NAME:**

A1021.03NDU, DODCI Course Evaluation System, to: A0351cNDU-CI, DODCI Course Evaluation System.

**SYSTEM IDENTIFICATION AND NAME:**

A1106.04USAISC, Military Affiliate Radio System, to: A0025-6USAISC, Military Affiliate Radio System.

**SYSTEM IDENTIFICATION AND NAME:**

A1108.16DAIM, Postal and Mail Service System, to: A065TAPC, Postal and Mail Service System.

**SYSTEM IDENTIFICATION AND NAME:**

A1111.01TRADOC, Individual Flight Records Folder, to: A0095-1TRADOC, Individual Flight Records Folder.

**SYSTEM IDENTIFICATION AND NAME:**

A1111.16USAISC, Air Traffic Controller Records, to: A0095-37TRADOC-ATC, Air Traffic Controller Records.

**SYSTEM IDENTIFICATION AND NAME:**

A1201.02MTMC, Personal Property Movement and Storage Records, to: A0055-355MTMC, Personal Property Movement and Storage Records.

**SYSTEM IDENTIFICATION AND NAME:**

A1201.08TRADOC, Marine Qualification Board Records, to: A0056-9TRADOC, Marine Qualification Board Records.

**SYSTEM IDENTIFICATION AND NAME:**

A1205.26DALO, Local Transportation Authorization and Use Files, to: A0055-355aDALO, Local Transportation Authorization and Use Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1205.30DAAG, Individual Travel Files, to: A0055-355bDALO, Individual Travel Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1301.07AMC, Food Taste Test Panel Files, to: A0030-1AMC, Food Taste Test Panel Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1304.05DASG, Immunity Booster Files, to: A0070-16DASG, Immunity Booster Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1304.21DASG, Sandfly Fever Files, to: A0070-45DASG, Sandfly Fever Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1304.22aDASG, Medical Research Volunteer Registry, to: A0070-25DASG, Research Volunteer Registry.

**SYSTEM IDENTIFICATION AND NAME:**

A1306.01DAPE, Behavioral and Social Sciences Research Project Files, to:

A0602DAPE-ARI, Behavioral and Social Sciences Research Project Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1401.07aAMC, Resumes for Non-Government Technical Personnel, to: A0070AMC, Resumes for Non-Government Technical Personnel.

**SYSTEM IDENTIFICATION AND NAME:**

A1401.07bDAIM, Library Borrowers'/Users' Profile Files, to: A0735SAIS-SF, Library Borrowers'/Users' Profile Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1402.18DAJA, Procurement Misconduct Files, to: A0715DAJA, Procurement Misconduct Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1403.30DACF, Commercial Entertainment Transaction Records, to: A0215-2bCFSC, Commercial Entertainment Transaction Records.

**SYSTEM IDENTIFICATION AND NAME:**

A1416.05DALO, Property Officer Designation Files, to: A0710-2aDALO, Property Officer Designation Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1416.16DALO, Hand Receipt Files, to: A0710-2bDALO, Hand Receipt Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1416.20DALO, Personal Property Accounting Files, to: A0710-2cDALO, Personal Property Accounting Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1416.34DALO, Personal Clothing Record Files, to: A0710-2dDALO, Personal Clothing Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1420.08DAPE, Motor Vehicle/Equipment Operator Permit Files, to: A0600-55DAMO, Motor Vehicle/Equipment Operator Permit Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1427.01DALO, Laundry and Dry Cleaning Accounting Files, to: A0210-130DALO, Laundry and Dry Cleaning Accounting Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1434.10AMC, Small Arms Sales Record Files, to: A0755-1AMC, Small Arms Sales Record Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1504.08DAEN, Real Estate Outgrants, to: A0405-80CE, Real Estate Outgrants.

**SYSTEM IDENTIFICATION AND NAME:**

A1506.03aDAEN, Relocation Assistance Files, to: A0405-10aCE, Relocation Assistance Files.



**SYSTEM IDENTIFICATION AND NAME:**

A1506.03bDAEN, Homeowners Assistance Case Files, to: A0405-10bCE, Homeowners Assistance Case Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1511.02DAEN, Army Housing Operations Management System, to: A0210-50CE, Army Housing Operations Management System.

**SYSTEM IDENTIFICATION AND NAME:**

A1522.10DAEN, Reservoir Permit Files, to: A1145aCE, Reservoir Permit Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1522.15DAEN, General Permit Files, to: A1145bCE, General Permit Files.

**SYSTEM IDENTIFICATION AND NAME:**

A1524.11DAEN, Violation Warning Files, to: A0015-2-2CE, Violation Warning Files.

[FR Doc. 90-27417 Filed 11-20-90; 8:45 am]

BILLING CODE 3810-01-M

### Privacy Act of 1974; Delete Record Systems

**AGENCY:** Department of the Army, DoD.

**ACTION:** Delete record systems.

**SUMMARY:** The Department of the Army proposes to delete six record systems in its inventory of record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

**EFFECTIVE DATE:** The proposed actions will be effective without further notice on November 21, 1990.

**ADDRESSES:** Comments may be sent to Ms. Alma Lopez, Office of Systems Management Branch (ASOP-MP) Ft. Huachuca, AZ 85613-5000.

**SUPPLEMENTARY INFORMATION:** The Department of the Army record system notices subject to the Privacy Act of 1974, as amended, have been published in the *Federal Register* as follows:

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)  
 51 FR 23576, Jun. 30, 1986  
 51 FR 30900, Aug. 29, 1986  
 51 FR 40479, Nov. 7, 1986  
 51 FR 44361, Dec. 9, 1986  
 52 FR 11847, Apr. 13, 1987  
 52 FR 18798, May 19, 1987  
 52 FR 25905, Jul. 9, 1987  
 52 FR 32329, Aug. 27, 1987  
 52 FR 43932, Nov. 17, 1987  
 53 FR 12971, Apr. 20, 1988  
 53 FR 16575, May 10, 1988  
 53 FR 21509, Jun. 8, 1988  
 53 FR 28247, Jul. 27, 1988  
 53 FR 28249, Jul. 27, 1988  
 53 FR 28430, Jul. 28, 1988  
 53 FR 34576, Sep. 7, 1988  
 53 FR 49586, Dec. 8, 1988

53 FR 51580, Dec. 22, 1988  
 54 FR 10034, Mar. 9, 1989  
 54 FR 11790, Mar. 22, 1989  
 54 FR 14835, Apr. 13, 1989  
 54 FR 46965, Nov. 8, 1989  
 54 FR 50268, Dec. 5, 1989  
 55 FR 13935, Apr. 13, 1990  
 55 FR 21897, May 30, 1990 (Army Address Directory)  
 55 FR 41743, Oct. 15, 1990

The amendments are not within the purview of subsection (r) of the Privacy Act, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report.

Dated: November 16, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

**Deletions****AO9501.10DAMI****System name:**

Counterintelligence Research File System (CIRFS), (52 FR 18800, May 19, 1987).

**Reason:**

Purpose for which system was created is no longer valid.

**AO714.02DAPC****System name:**

Military Personnel Assignment Files, (50 FR 22196, May 29, 1985).

**Reason:**

System is no longer needed. Information is now maintained in AO640-10CTAPC, Career Management Individual Files and AO640-10aTAPC, Military Personnel Records Jacket Files (MPRJ).

**AO715.01DAPC****System name:**

SIDPERS Personnel Data Card, (50 FR 22197, May 29, 1985).

**Reason:**

System is no longer needed. The use of SIDPERS Personnel Data Cards has been discontinued.

**AO715.07aDASG****System name:**

AMEDD Personnel Management System, (50 FR 22199, May 29, 1985).

**Reason:**

System is no longer needed. Information is now covered by AO600-8bTAPC, Major Command Military Personnel Management Reporting System and AO680-31aTAPC, Officer Personnel Management Information System (OPMIS).

**A1001.02 TRADOC****System name:**

Individual Basic Training Survey, (50 FR 22225, May 29, 1985).

**Reason:**

Purpose for which the system was created is no longer valid.

**A1001.08aDAPE****System name:**

Office Personnel Training Files, (50 FR 22226, May 29, 1985).

**Reason:**

System is covered by OPM/GOVT 1 record systems notice.

[FR Doc. 90-27416 Filed 11-20-90; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Navy

#### Privacy Act of 1974; Amend Record System

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Amend record systems.

**SUMMARY:** The Department of the Navy proposes to amend an existing record system in its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

**DATES:** The proposed action will be effective December 21, 1990, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to Mrs. Gwendolyn Aitken, Head, PA-FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-200, Telephone (703) 614-1459.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the *Federal Register* as follows:

51 FR 12908 Apr. 16, 1986  
 51 FR 18086 May 16, 1986 (DON Compilation changes follow)  
 51 FR 19884 Jun. 3, 1986  
 51 FR 30377 Aug. 26, 1986  
 51 FR 30393 Aug. 26, 1986  
 51 FR 45931 Dec. 23, 1986  
 52 FR 2147 Jan. 20, 1987  
 52 FR 2149 Jan. 20, 1987  
 52 FR 8500 Mar. 18, 1987  
 52 FR 15530 Apr. 29, 1987  
 52 FR 22671 Jun. 15, 1987  
 52 FR 45846 Dec. 2, 1987  
 53 FR 17240 May 16, 1988  
 53 FR 21512 Jun. 8, 1988  
 53 FR 25363 Jul. 6, 1988  
 53 FR 39499 Oct. 7, 1989



53 FR 41224 Oct. 20, 1988  
 54 FR 8322 Feb. 28, 1989  
 54 FR 14378 Apr. 11, 1989  
 54 FR 32682 Aug. 9, 1989  
 54 FR 40160 Sep. 29, 1989  
 54 FR 41495 Oct. 10, 1989  
 54 FR 43453 Oct. 25, 1989  
 54 FR 45781 Oct. 31, 1989  
 54 FR 48131 Nov. 21, 1989  
 54 FR 51784 Dec. 18, 1989  
 54 FR 52976 Dec. 26, 1989  
 55 FR 21910 May 30, 1990 (Navy Mailing Addresses)  
 55 FR 37930 Sep. 14, 1990  
 55 FR 42752 Oct. 23, 1990  
 Dated: November 16, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison  
 Officer, Department of Defense.

#### N07430-1

##### System name:

Accounts Receivable System, (51 FR 18204, May 16, 1986).

##### Changes:

##### System name:

Delete entire entry and substitute with "Navy Debt Management and Collection System (NMCS)".

##### Categories of Records in the system:

At beginning of entry, add "Individuals' name, Social Security Number, and the debt amount."

##### Authority for the maintenance of the system:

Add "Executive Order 9397." to the end of the entry.

##### Purpose(s):

At end of entry, add "Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes."

##### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with "To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant."

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To any other Federal agency for the purpose of effecting administrative or

salary offset procedures against a person employed by that agency when the Department of the Navy, as a creditor agency, has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (Note: Rediscovery of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state, or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of the Navy.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system."

Add a new element to the notice:

##### "Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1986 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report."

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

##### Storage:

Delete the entire entry and substitute with "File folders, floppy disks, microfiche, magnetic tape, and hard disks."

##### Safeguards:

Delete the entire entry and substitute with "Facilities are locked and accessed by coded entry door lock system. Access to the data is controlled by a user identification and password system. Personnel having access are limited to those having an official need-to-know and who have been trained in handling personnel information subject to the Privacy Act."

##### Notification procedure:

Delete the entire entry and substitute with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055. The request must contain individual's full name and should include the Social Security Number."

##### Record access procedures:

Delete the entire entry and substitute with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055. The request must contain individual's full name and should include the Social Security Number."

##### Contesting record procedures:

Delete the entire entry and substitute with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

##### Record source categories:

At end of entry, add "and the Defense Manpower Data Center."



N07430-1

**SYSTEM NAME:**

Navy Debt Management and Collection System (MNCS).

**SYSTEM LOCATION:**

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, Social Security Number, and debt amount. Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

80 Stat. 308 and 88 Stat. 393, Federal Claims Collection Act of 1966 (Pub. L. 89-508) and Debt Collection Act of 1982 (Pub. L. 97-365), and Executive Order 9397.

**PURPOSE(S):**

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To any other Federal agency for the purpose of effecting administrative or salary offset procedures against a person employed by that agency when the Department of the Navy, as a creditor agency, has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel

Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

**Note:** Rediscovery of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state, or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of the Navy.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders, floppy disks, microfiche, magnetic tape, and hard disks.

**RETRIEVABILITY:**

Social Security Number and individual's name.

**SAFEGUARDS:**

Facilities are locked and accessed by coded entry door lock system. Access to the data is controlled by a user

identification and password system. Personnel having access are limited to those having an official need-to-know and who have been trained in handling personnel information subject to the Privacy Act.

**RETENTION AND DISPOSAL:**

Files of accounts which are paid in full will be maintained for three years after final payment. Other files will be maintained for six years after termination of collection action.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055.

The request must contain individual's full name and should include the Social Security Number.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2055.

The request must contain individual's full name and should include the Social Security Number.

**CONTESTING RECORD PROCEDURES:**

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles, and the Defense Manpower Data Center.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 90-27414 Filed 11-20-90; 8:45 am]

BILLING CODE 3810-01-M



**Office of the Inspector General****Privacy Act of 1974; Amend a Record System****AGENCY:** Inspector General, DoD.**ACTION:** Amend a record system.

**SUMMARY:** The Office of the Inspector General proposes to amend a record system to its inventory of record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

**DATE:** This proposed action will be effective without further notice on December 21, 1990, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send any comments to David C. Stewart, Assistant Director, FOIA/PA Division, Assistant Inspector General for Investigations, Room 1016, 400 Army Navy Drive, Arlington, VA 22202-2884. Telephone (202) 697-6035 or Autovon 227-6035.

**SUPPLEMENTARY INFORMATION:** The complete inventory of record system notices subject to the Privacy Act for the Office of the Inspector General, DoD, has been published in the *Federal Register* to this date as follows:

50 FR 22279, May 29, 1985 (DoD Compilation, changes follows)  
 52 FR 26547, Jul. 15, 1987  
 52 FR 35754, Sep. 23, 1987  
 54 FR 24377, Jun. 7, 1984  
 54 FR 33956 Aug. 17, 1989  
 54 FR 18152, May 1, 1990

The amended record system notice is not within the purview of subsection (r) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the records systems being amended are set forth below, followed by the systems notices, as amended, published in its entirety.

Dated: November 16, 1990.

L. M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**CIG-12**

*System name:*

DoD Inspector General Drug Free Workplace Records (55 FR 18152, May 1, 1990).

*Changes:*

Add the following category after Categories of individuals covered by the system:

*Categories of records in the system:*

Records relating to program implementation; administration (selection, notification, testing of

employees and applicants, for illegal drug use and employee assistance); interservice/agency support agreements/designated contractors for specimen collection, laboratory testing and medical review services; training requirements; urine specimens, drug test results; policy guidance; self-identification records; requests for testing submitted by employees or supervisors; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples, reports of testing performed; documentary evidence submitted by employee or applicant in rebuttal test results; reports of medical finding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof and management's action; referrals to counseling/rehabilitation services; records regarding employees; consent for release of information concerning counseling/rehabilitation progress. Records relating to the illegal possession or distribution of controlled substances (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of that Title), by the employees of the OIG will also be maintained in this system of records.

**CIG-12****SYSTEM NAME:**

DoD Inspector General Drug Free Workplace Records.

**SYSTEM LOCATION:**

DoD Inspector General, Office of the Assistant Inspector General for Administration and Information Management, Personnel and Security Directorate, 400 Army Navy Drive, Room 434, Arlington, VA 22202-2884, and offices of designated contractors.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of, and applicants for positions in, the Office of the DoD Inspector General.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records relating to program implementation; administration (selection, notification, testing of employees and applicants, for illegal drug use and employee assistance); interservice/agency support agreements/designated contractors for specimen collection, laboratory testing and medical review services; training requirements; urine specimens, drug test results; policy guidance; self-identification records; requests for

testing submitted by employees or supervisors; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples, reports of testing performed; documentary evidence submitted by employee or applicant in rebuttal test results; reports of medical finding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof and management's action; referrals to counseling/rehabilitation services; records regarding employees; consent for release of information concerning counseling/rehabilitation progress. Records relating to the illegal possession or distribution of controlled substances (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of that Title), by the employees of the OIG will also be maintained in this system of records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7301 and 7361; 21 U.S.C. 812; Pub. L. 100-71; Executive Orders 12564 and 9397; and DoD Directive 1010.9, "DoD Civilian Employee Drug Abuse Testing Program".

**PURPOSES:**

The system is established to maintain records relating to the implementation of the program, administration, selection, notification and testing (of DoD Inspector General employees, and applicants for employment, for the use of illegal drugs and drugs identified in Schedule I and II of 21 U.S.C. 812. Records relating to the illegal possession or distribution of controlled substances, (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of that Title) by the employees of the Inspector General will also be maintained in this system of records. Records will consist of, but not be limited to, interservice/agency support agreement/designated contractors for specimen collection, laboratory testing and medical review services; training requirements; urine specimens, reports of drug test results; policy guidance; self-identification records; requests for testing submitted by employees or supervisors; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples; records relating to the type and quality of testing performed; documentary evidence submitted by employee or applicant in rebuttal of test results; reports of medical findings



regarding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof and management's action; referrals to counseling/rehabilitation services; records regarding employee's consent for release of information concerning counseling/rehabilitation progress; and records relating to the illegal possession or distribution of controlled substances by the employees of the Inspector General.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In order to comply with the provision of U.S.C. 7301, the DoD Inspector General "Blanket Routine Uses" do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

**POLICIES, AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records are maintained in file folders. Electronic records exist on magnetic tape, diskette, or other machine-readable media. Records are also maintained in an automated data system and electronically secured files.

**RETRIEVABILITY:**

Records are retrieved by employee or applicant name, Social Security Number, date of birth, specimen identification number, locally assigned identifying number, agency name, collection site or date of testing. A specified data element or a combination thereof contained in this system of records can be used for accessing information.

**SAFEGUARDS:**

Paper records are stored in secure containers (e.g., safes, locked filing cabinets, etc.) that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards and is protected/restricted through the use of assigned user identification/passwords for entry into system modules. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the systems.

Urine specimens will be stored in appropriate locked storage facilities.

Access to such records and specimens is restricted.

Chain of custody and other procedural and documentary requirements of Pub. L. 100-71 and the Department of Health and Human Services Guidelines will be followed in collection or urine samples, conducting drug tests and processing test results.

**RETENTION AND DISPOSAL:**

Records are retained for up to three years for any employee who has separated, retired or died; or for up to five years after any and all final appeals have been adjudicated.

Destruction of records is accomplished by tearing, shredding, or burning of paper records. Electronic records are erased or overwritten.

**SYSTEM MANAGER(S) AND ADDRESS:**

OIG Drug Program Coordinator, Office of the Inspector General, Assistant Inspector General for Administration and Information Management, Personnel and Security Directorate, 400 Army Navy Drive, Room 434, Arlington, VA 22202-2884.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Director, FOIA/PA Division, Office of the Assistant Inspector General for Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884.

Individuals must furnish their full name, Social Security Number, the title, series and grade of the position they occupied or applied for when the drug test was conducted and the month and year of the test. Written requests should include the notarized signature of the subject individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Director, FOIA/PA Division, Office of the Assistant Inspector General for Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884.

**CONTESTING RECORD PROCEDURE:**

Agency rules for access to records and for contesting contents and appealing initial agency determination by the individual concerned are contained in OSD Administrative Instruction No. 81; 32 CFR part 286b; IG DoD Policies and Procedures Manual, chapter 33 or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Data maintained in this system is obtained from the individual to whom the record pertains; DoD Inspector General and contractor employees involved in the selection, notification, and collection of individuals to be tested; contractor laboratories that test urine specimens for the presence of illegal drugs; contractor medical review officials; supervisors and managers and other officials engaged in administering the Drug-Free Workplace Program and processing adverse actions based on drug test results and others on a case by case basis.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 90-27415 Filed 11-20-90; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF EDUCATION**

**Office of Administrative Law Judges Hearings; Intent To Compromise a Claim, Iowa Department of Education**

**AGENCY:** Department of Education.

**ACTION:** Notice of intent to compromise a claim.

**SUMMARY:** The Department intends to compromise a claim against the Iowa Department of Education now pending before the Office of Administrative Law Judges (OALJ), Docket No. 89-53-R. (30 U.S.C. 1234a(j) (1988)).

**DATES:** Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before January 7, 1991.

**ADDRESSES:** All comments concerning this notice should be addressed to Jeffrey C. Morhardt, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue SW., (Room 4091, FOB-6), Washington, DC 20202.

**SUPPLEMENTARY INFORMATION:** The claim in question arose from an audit of the financial affairs and operations of the Iowa Department of Education (State) for the fiscal year ended June 30, 1987. The audit was performed by the Office of the Auditor of State, State of Iowa, to fulfill the requirements of Office of Management and Budget Circular A-128. The audit included the evaluation of the internal control systems, including applicable internal administrative controls, used in administering Federal financial assistance programs. Among the systems examined was the State's system of maintaining time distribution



records for employees who have multi-program responsibilities. Time distribution records show how an employee's time has been divided among his or her different program responsibilities. During the course of the audit, the auditors discovered that the State maintained no system of time distribution records.

Based on this finding, the Assistant Secretaries for Elementary and Secondary Education, Special Education and Rehabilitative Services, and Vocational and Adult Education, the Directors of the Financial Management Service and the Grants and Contracts Service, and the Chief of the Cost Determination Branch (Department) notified the State in a Program Determination Letter (PDL), dated September 29, 1989, that it had to repay a total of \$338,128 of Federal grant funds. In failing to maintain time distribution records, the State violated sections 437 and 435(b)(5) of the General Education Provisions Act (GEPA). Section 435(b)(5) of GEPA (20 U.S.C. 1223d(b)(5)) states in relevant part that "the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program." In addition, the State violated the provisions of 34 CFR 74.61 and, further 34 CFR part 74, appendix C (OMB Circular A-87), attachment II, B. 10. b., which states in relevant part that "[s]alaries and wages of individual employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records." The State appealed the Department's determination to the OALJ.

Based on documentation submitted by the State after issuance of the PDL, the Department's original claim of \$338,128 was reduced to \$158,507 by stipulation. This stipulation was based on the fact that some of the funds questioned by the State auditor and subsequently claimed by the Department were actually State funds from a State account that contained both Federal and State funds. Thus, the Department's outstanding claim is \$158,507.

The Department proposes to compromise the full amount of the \$158,507 claim for \$127,600. In its response to the PDL, the State gave assurances that it had installed a system of time distribution records. With its assurances, the State also provided the Department with models of the system's documentation. The Department is satisfied that the systemic deficiencies that resulted in the claim have been corrected and will not recur. Future

audits will determine whether this system is being utilized in accordance with Federal requirements. Given these factors, the percentage of the claim to be repaid, and the risk and cost of litigating the claim through the appeal process, the Department has determined that it would not be practical or in the public interest to continue this proceeding.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Jeffrey C. Morhardt, Esq. at the address given at the beginning of this notice.

**Authority:** (20 U.S.C. 1234a(f)).

**Dated:** November 15, 1990.

**Thomas E. Anfinson,**

*Deputy Under Secretary for Management.*

[FR Doc. 90-27364 Filed 11-20-90; 8:45 am]

**BILLING CODE 4000-01-M**

### **Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** Interested persons are invited to submit comments on or before December 21, 1990.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to James O'Donnell, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202-4651.

**FOR FURTHER INFORMATION CONTACT:** James O'Donnell (202) 708-5174.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the

information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from James O'Donnell at the address specified above.

**Dated:** November 15, 1990.

**James O'Donnell,**

*Acting Director for Office of Information Resources Management.*

### **Office of Special Education and Rehabilitative Services**

**Type of Review:** Extension.

**Title:** Resolution of Applicant/Client Appeals.

**Frequency:** Annually.

**Affected Public:** State or local governments.

**Reporting Burden:**

**Responses:** 84.

**Burden Hours:** 84.

**Recordkeeping Burden:**

**Recordkeepers:** 84.

**Burden Hours:** 84.

**Abstract:** This report is used by State Vocational Rehabilitative agencies to provide caseload data. The Department uses this information to monitor whether appeals processes in the State agencies appear to be operating in accordance with the individual State Plans.

### **Office of Special Education and Rehabilitative Services**

**Type of Review:** New.

**Title:** Evaluation of Vocational Assessment Procedures and the IWRP Process Used by State Vocational Rehabilitation VR Agencies.

**Frequency:** One-time.

**Affected Public:** Individuals households; State or local governments.

**Reporting Burden:**

**Responses:** 2257.

**Burden Hours:** 1759.

**Recordkeeping Burden:**

**Recordkeepers:** 0.

**Burden Hours:** 0.

**Abstract:** This report is used by State Vocational Rehabilitative agencies to



provide caseload data. The Department uses the information collected to assess the accomplishments and for program management.

**Office of Bilingual Education and Minority Languages Affairs**

*Type of Review:* Extension.

*Title:* Application for Grant under Bilingual Education Programs (New and Continuation Applications—Multiple Programs).

*Frequency:* Annually.

*Affected Public:* State or local governments; Businesses or other for-profit; Non-profit institutions.

*Reporting Burden:*

*Responses:* 750.

*Burden Hours:* 61,275.

*Recordkeeping Burden:*

*Recordkeepers:* 0.

*Burden Hours:* 0.

*Abstract:* This form will be used by state educational agencies to apply for funding under the Bilingual Education Program. The Department will use this information to make grant awards.

**Office of Bilingual Education and Minority Languages Affairs**

*Type of Review:* New.

*Title:* Observational Study of Early Education Programs.

*Frequency:* One-time.

*Affected Public:* Individual or households; State or local governments; Small businesses or organizations.

*Reporting Burden:*

*Responses:* 1800.

*Burden Hours:* 550.

*Recordkeeping Burden:*

*Recordkeepers:* 0.

*Burden Hours:* 0.

*Abstract:* The purpose of this study is to investigate variations in early childhood education programs' structural and environmental characteristics, interactions between caregivers and children, and the nature of the children's activities. The study will examine relationships between preschool environments and children's cognitive and social-emotional development.

**Office of Management**

*Type of Review:* New.

*Title:* Application for the Disposal and Utilization of Surplus Federal Real Property for Educational Purposes.

*Frequency:* On Occasion.

*Affected Public:* State or local governments; Non-profit institutions.

*Reporting Burden:*

*Responses:* 12.

*Burden Hours:* 264.

*Recordkeeping Burden:*

*Recordkeepers:* 12.

*Burden Hours:* 48.

*Abstract:* The Department uses the information collected to determine if an applicant is eligible and able to purchase property for educational purposes and to determine compliance with the terms and conditions of the transfer after the sale.

[FR Doc. 90-27363 Filed 11-20-90; 8:45 am]

BILLING CODE 4000-1-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. QF87-93-002]

**Cambria CoGen Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

November 15, 1990.

On November 13, 1990, Cambria CoGen Company (Applicant), c/o Cambria Cogen (I), Inc., of 7201 Hamilton Boulevard, Allentown, Pennsylvania 18195, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Cambria Township, Pennsylvania. The facility will consist of two fluidized bed combustion boilers, a steam turbine generator, and approximately 1.3 miles of 115 kV transmission line. The net electric power production capacity of the facility will be 85 MW on an average annual basis. The primary energy source of the facility will be bituminous coal refuse.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before November 30, 1990, and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27357 Filed 11-20-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-70-000]

**Equitrans, Inc.; Informal Settlement Conference**

November 14, 1990.

Take notice that a conference will be convened in the above-captioned proceeding on November 20, 1990 at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Arnold H. Meltz (202) 208-0737 or Jennifer B. Corwin (202) 208-0740.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27359 Filed 11-20-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-22-000]

**Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff**

November 14, 1990.

Take notice that on November 9, 1990, Natural Gas Pipeline Company of America (Natural) filed the tariff sheets listed in Appendix B to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective December 9, 1990.

Natural states that the tariff revisions were submitted in response to Order No. 528. The revised tariff sheets establish a new section 34 of the General Terms and Conditions of Natural's FERC Gas Tariff, Third Revised Volume No. 1, to replace the existing section 33. Section 34 sets out a new mechanism for recovery by Natural of take-or-pay settlement costs and other transition costs. Under section 34, a new methodology for allocating such costs, based on specified test period throughout data, is substituted for the purchase deficiency method of allocation in section 33. Section 34 also sets out a plan for adjusting current



billings by applying the revised allocation methodology to prior collections, so total transition costs are allocated on the revised methodology.

Natural requested any waiver of the Commission's Regulations which may be necessary to permit the proposed tariff sheets to become effective December 9, 1990.

Natural states that a copy of this filing was mailed to Natural's jurisdictional customers allocated costs under section 34, interested state regulatory agencies and all parties set out on the official service list in the dockets listed in Appendix A attached to the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before November 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
Secretary.

[FR Doc. 90-27358 Filed 11-20-90; 8:45 am]

BILLING CODE 6717-01-M

## Office of Fossil Energy

[ERA Docket Nos. 86-44-NG, et al.]

### Brooklyn Union Gas Co., et al.; Orders Granting Authorizations Canadian Natural Gas and Record of Decision

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of orders granting authorizations to import To Import Canadian natural gas and record of decision.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued orders on November 15, 1990, granting authorizations to import Canadian natural gas to Brooklyn Union Gas Company, et al. (ERA Docket Nos. 86-44-NG, et al.), Orchard Gas Corporation (FE Docket No. 89-54-NG), JMC Selkirk, Inc. (FE Docket No. 89-55-NG), Pawtucket Power Associates (FE Docket No. 89-76-NG) and Granite State Gas Transmission, Inc. (FE Docket No. 90-

23-NG). All of the imports authorized are part of the proposed Iroquois/Tennessee Phase I Pipeline Project (Iroquois Phase I) to import natural gas to the U.S. Northeast. The natural gas would be imported into the region at the proposed Iroquois Gas Transportation System (IGTS) import point on the Canadian border near Waddington, New York.

In conjunction with these orders, FE is hereby issuing a Record of Decision (ROD) pursuant to the regulations of the Council on Environmental Quality (40 CFR part 1505) and the DOE's guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA).

Copies of the orders are available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lot Cooke, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8116.

**FOR FURTHER INFORMATION ON THE NEPA PROCESS CONTACT:** Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, Forrestal Building, Room 3E-080, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600.

## I. Introduction

Pursuant to the Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA<sup>1</sup> and the DOE's guidelines for the compliance with NEPA,<sup>2</sup> FE is issuing this ROD on those applications that propose to use the Iroquois/Tennessee Phase I Pipeline Project facilities. Generally, the Iroquois/Tennessee Pipeline Project involves proposals to construct and operate pipeline facilities, including a major new pipeline system, IGTS, extending from the U.S./Canadian border through the States of New York and Connecticut and terminating on Long Island, New York. Overall, the Iroquois/Tennessee Project is designed to transport up to 575,900 Mcf per day of Canadian natural gas (as well as 70,000 Mcf per day of domestic gas) to various U.S. customers. For purposes of NEPA consideration the project has been

divided into two phases, Iroquois Phase I and Iroquois Phase II. Iroquois Phase I contemplates delivery of 422,900 Mcf per day of Canadian gas through the IGTS pipeline and through the expanded facilities of Tennessee Gas Pipeline Company (Tennessee). The remaining 153,000 Mcf per day of Canadian gas (and the 70,000 Mcf per day of domestic gas) would be part of Iroquois Phase II, which includes facilities and services by IGTS, Tennessee, and Algonquin Gas Transmission Company (Algonquin).

The following applications are for Canadian imports that the applicants propose to transport on the Iroquois Phase I facilities: Brooklyn Union Gas Company, et al. (Brooklyn Union) (ERA Docket No. 86-44-NG, et al.), is a consolidated application from a total of 18 local distribution companies (LDC) to import up to 397,100 Mcf per day of Canadian natural gas over terms of 15 years. On September 29, 1990, 10,000 Mcf per day of Brooklyn Union volumes that would be imported at Tennessee's Niagara import point were authorized in DOE/FE Opinion and Order No. 425.<sup>3</sup> The remainder of the Brooklyn Union gas would be imported at IGTS' proposed import point near Waddington, New York; 352,100 Mcf per day through Iroquois Phase I facilities, and 35,000 Mcf per day through Iroquois Phase II facilities.

Orchard Gas Corporation (Orchard) (FE Docket No. 89-54-NG), proposes to import up to 25,000 Mcf per day of Canadian natural gas over a term of 15 years for use in a new cogeneration plant. The gas would be imported at the proposed IGTS import point near Waddington, New York, or at Tennessee's existing import points near Niagara, Ontario, and Highwater, Quebec.

JMC Selkirk, Inc. (JMC Selkirk) (FE Docket No. 89-55-NG) proposes to import up to 23,000 Mcf per day of Canadian natural gas over a term of 15 years for use in a new cogeneration plant. The gas would be imported at the proposed IGTS import point near Waddington, New York.

Pawtucket Power Associates (Pawtucket) (FE Docket No. 89-76-NG) proposes to import up to 14,500 Mcf per day of Canadian natural gas over a term of 20 years for use in a new cogeneration plant. The gas would be imported at the proposed IGTS import point near Waddington, New York.

Granite State Gas Transmission, Inc. (Granite State) (FE Docket No. 90-23-NG), proposes to import up to 34,826 Mcf a day of Canadian natural gas on a firm

<sup>1</sup> 42 U.S.C. 4321, et seq.

<sup>2</sup> 52 FR 47662, December 15, 1987.

<sup>3</sup> 1 FE 70,353.



basis, and up to an additional 13,930 Mcf a day on an interruptible basis, over a term of 15 years for sale to affiliated LDC's. The gas would be imported at the proposed IGTS import point near Waddington, New York. 12,000 Mcf per day of the Granite State volumes would use Iroquois Phase I facilities, while the remaining 22,826 Mcf per day would use Iroquois Phase II facilities.

In addition to the Iroquois Phase I related applications discussed above, the DOE has received the following applications for import authorizations which plan to utilize the proposed Iroquois/Tennessee Pipeline Project facilities:

Boston Gas Company (FE Docket No. 89-38-NG), a Massachusetts LDC, proposes to import up to 35,000 Mcf per day of Canadian natural gas over a term of 15 years for system use. The gas would be imported at the proposed IGTS import point near Waddington, New York, as part of the Iroquois Phase II Project.

New England Power Company (FE Docket No. 90-09-NG), a New England electric power company, proposes to import up to 60,000 Mcf per day of Canadian natural gas over a term of 15 years for use in two of its electrical generating facilities. The gas would be imported at the proposed IGTS import point near Waddington, New York, as part of the Iroquois Phase II Project.

L&J Energy Systems, Inc. (FE Docket No. 90-63-NG) proposes to import up to 11,700 Mcf per day of Canadian natural gas over an initial term of 15 years for use in a new cogeneration plant. The gas would be imported at the proposed IGTS import point near Waddington, New York.

Dartmouth Power Associates Limited Partnership (FE Docket No. 90-80-NG) proposes to import up to 16,000 Mcf per day of Canadian natural gas over a term of 20 years for use in an independent electrical power generating facility. The gas would be imported at the proposed IGTS import point near Waddington, New York.

Although this ROD is being issued in conjunction with the Iroquois Phase I import application requests only, to the extent that the environmental determinations made herein are applicable to facilities in any other applications filed, or to-be-filed, with the DOE, this ROD and the related environmental material may be incorporated and used in making determinations on those applications.

## II. Decision

On November 15, 1990, FE issued orders, under section 3 of the Natural

Gas Act (NGA),<sup>4</sup> granting all of the Iroquois Phase I related application described above. To transport and deliver the proposed imports would require construction of the pipeline facilities comprising the Iroquois Phase I Project.

The DOE participated as a cooperating agency during the preparation of, and has adopted as DOE/EIS-0152, the *Iroquois/Tennessee Phase I Pipeline Project Final Environmental Impact Statement (FEIS)*, issued by the Federal Energy Regulatory Commission (FERC) on June 1, 1990.<sup>5</sup> The U.S. Army Corps of Engineers (COE), the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Interior's Fish and Wildlife Service were also cooperating Federal agencies on the Iroquois Phase I FEIS. FE relied on the FEIS and conducted an independent review to assess the environmental effects of granting related import authorizations.

## III. Project Description

Overall, the Iroquois/Tennessee Pipeline Project proposes to construct and operate pipeline facilities for the transportation of up to 575,900 Mcf per day of Canadian natural gas. The gas would be delivered to end use customers by IGTS, or by Tennessee or Algonquin after those pipelines have received the gas from IGTS. The FERC determined that the full project to deliver up to 575,900 Mcf per day is not complete because Algonquin's application for expanded facilities was not sufficiently detailed. Therefore, the FEIS only analyzed the delivery of 422,900 Mcf per day of natural gas that would be delivered to customers directly by IGTS or by Tennessee, the Iroquois Phase I Project.

The Iroquois Phase I Project involves the construction by IGTS of a new, 369.4-mile, 30- and 24-inch diameter pipeline beginning at the U.S./Canadian border near Waddington, New York, extending through New York and Connecticut, crossing Long Island Sound, and terminating near South Commack, New York. The facilities proposed by Tennessee in Iroquois Phase I would involve the construction of 46.4 miles of mainline loop, 13.9 miles of lateral loops and replacement pipe, 2.3 miles of new pipeline extension, and an additional 8,650-hp of compression on Tennessee's existing mainline system in the States of New Hampshire, New York, Rhode Island, Connecticut and Massachusetts.

The purpose of the project would be to transport natural gas from Canada to markets in the Northeast. IGTS would deliver directly to LDC customers in New York and Connecticut. IGTS would also deliver additional natural gas at South Commack, New York, for exchange and redelivery to three LDC's in New Jersey. IGTS' deliveries to Tennessee would occur in Wright, New York, and Stratford, Connecticut, for redelivery to certain LDC's cogeneration, and electric generation customers in Connecticut, Massachusetts, New Hampshire, and Rhode Island.

## IV. Governmental Responsibilities

The shippers that would use the proposed pipeline facilities require authorization from FE under section 3 of the NGA for their proposed imports. Other Federal, state, and local agencies also have permit or approval authority over portions of the proposed Iroquois Phase I Project. In particular, the FERC has the responsibility under sections 3 and 7 of the NGA, respectively, to approve the place of entry for imports when, as here, the import involves the construction of new domestic facilities, and to certificate construction and operation of the pipeline facilities transporting the gas. Also, EPA, COE and the States exercise jurisdiction under regulations of the Clean Water Act (CWA) and the Rivers and Harbors Act. Water quality certification (CWA section 401) has been delegated to the jurisdiction of individual state agencies or would be reviewed by the EPA. The EPA and/or the states would determine if any National Pollution Discharge Elimination System permits (CWA section 402) would be required for discharge of hydrostatic test waters. Under CWA section 404, a permit is required from the COE for all stream and wetland crossings. Section 10 of the Rivers and Harbors Act is also administered by the COE; individual section 10 permits are required for all construction activities that occur in navigable waterways.

Each state in which construction would take place requires additional state level permits. These would include pipeline right-of-way and individual state wetland permits. Environmental regulatory agencies from the States of New York, New Hampshire, Massachusetts, Rhode Island and Connecticut would review components of the Iroquois/Tennessee Projects.

New York and Connecticut have established coastal zone management policies regarding the use of land and water within their designated coastal

<sup>4</sup> 15 U.S.C. 717b.

<sup>5</sup> FERC/EIS-0054.



zones. Since IGTS proposed crossings of the St. Lawrence River, the Hudson River, and Long Island Sound would be within New York's coastal zone, IGTS has filed an application with New York for a determination that the proposed project is consistent with State management objectives.

IGTS would cross Connecticut's coastal zone in the towns of Milford and Stratford. IGTS has submitted a coastal zone consistency certificate to Connecticut.

#### V. Description of Alternatives

FE had two alternative courses of action in processing the individual applications to import or export natural gas. It could grant an application (with or without conditions) or deny an application (no-action). If FE granted all, or the majority, of the applications, the Iroquois/Tennessee Project sponsors could proceed, subject to the necessary approvals, with construction of facilities to transport natural gas for use in the Northeast. If FE denied all of the applications, the Iroquois/Tennessee Project pipeline facilities would not be constructed and the impacts to the existing environment associated with the project would not occur. Absent the Iroquois/Tennessee Project facilities, potential users would need to find natural gas from other pipelines or increase usage of fuel oil, coal, and other alternative fuels which are more polluting than natural gas.

#### VI. Basis for Decision

The principle criterion in choosing whether to approve or disapprove natural gas import arrangements is the requirement under section 3 of the NGA that an application must be approved unless, after opportunity for hearing, it is determined that the import is not consistent with the public interest. DOE's section 3 determinations are made consistent with DOE's gas import policy guidelines, under which the competitiveness of an arrangement in the markets served is the primary factor in determining whether it is in the public interest.<sup>6</sup> In the case of long-term imports such as these, need for the gas and security of the supply are also important considerations. Additionally, the environmental implications of granting or denying an import or export application must be evaluated pursuant to NEPA.

#### A. General Conclusions

FE concluded that the proposed imports associated with the Iroquois Phase I Project meet the DOE guidelines

concerning competitiveness, need for the gas, and security of supply, and that they are not inconsistent with the public interest. All of the import arrangements were freely negotiated between the buyers and sellers and contain market-responsive, flexible, pricing provisions. The terms and conditions of the import arrangements, taken together, will provide competitively priced, needed, and secure supplies of natural gas over the terms of the proposed contracts.

#### B. Environmental Determination

The FERC was the lead agency in conducting an examination of the environmental effects of constructing new pipeline, pipeline loops, laterals and extensions, new and modified metering facilities, and new compressor stations as well as the addition of horsepower at existing compressor stations. The FERC FEIS also examined the environmental effects of constructing proposed nonjurisdictional pipeline and cogeneration facilities. The FEIS examined the environmental impact that the Iroquois Phase I Project would have on: geology; soils; water resources; fish and wildlife; endangered and threatened species; vegetation; wetlands; air quality and noise; land use, recreation, and visual resources; recreation and public interest areas; and cultural resources.

The FEIS considered alternatives to the Iroquois Phase I Project including: various alternative energy sources and energy conservation; single pipeline alternatives to the proposed Iroquois/Tennessee Pipeline and Champlain Pipeline Company (Champlain) projects; project system alternatives; major route alternatives; pipeline route and compressor station variations; and a no-action alternative. As stated above, the DOE participated as a cooperating agency during the preparation of the FEIS, and the DOE utilized the FEIS, as well as conducting an independent analysis, to assess the environmental effects of granting or denying the import authorization requests.

#### 1. Alternative Energy Sources and Conservation

Presently, natural gas reaches the Northeast from domestic and Canadian sources. Several major gas pipelines flow to or near underground storage fields in western Pennsylvania, New York, and Maryland. However, there are various pipeline system constraints between the storage reservoirs and proposed delivery points of the Iroquois/Tennessee Project during periods of peak demand. The FEIS considered expanding existing Gulf Coast systems to deliver gas to the

Northeast but concluded that this alternative was unreasonable due largely to cost considerations. Also, while existing system expansion could eliminate the potential supply constraints to specific locations, others would still be subject to supply constraints which potentially could force curtailments, as occurred in the Northeast in December 1989.

The FEIS considered whether oil, coal, electricity, peak shaving supplies, and other conventional energy sources could be used to offset the Iroquois Project energy supply. A substantial amount of the natural gas from the Iroquois Project would be used for generating electricity. Expansion of existing, or construction of major new, oil-fired and coal-fired electric plants would require a long lead-time because of the number of issues that must be resolved before approval; therefore they may not be a realistic alternative to the gas-fired facilities proposed by the Iroquois shippers.

To the extent gas is not available to generate increased electricity, the substitute fuels are coal or one of the fuel oils. Although coal is abundant and available domestically in sufficient quantities to supply the projected energy needs, transportation from the coal fields would be difficult and costly if a plant is not adjacent to an existing rail corridor. As for fuel oils, much of the residual and No. 2 fuel oil used in the Northeast is imported. The increased fuel demand would require a greater dependence on foreign crude petroleum and petroleum products from unstable oil producing regions and the additional shiploads of oil would increase the risk of spills. Finally, both oil and coal are not as clean as natural gas when combusted.

In considering electricity as an alternative to the Iroquois Project, the FEIS concluded that natural gas competes with various other fuels in the electric utility market. Therefore, electric utilities are users of natural gas and not competitors. The FEIS also concluded that peak shaving supplies such as liquefied natural gas, propane, and synthetic gases are only available on a limited basis because of storage capacity restraints. Therefore, peak shaving cannot be considered a reasonable alternative to the increased deliverability and annual supplies of the proposed Iroquois Project.

Other conventional energy sources (e.g., propane, wood, and synthetic fuels) are not viable alternatives to the proposed Iroquois Project for a reliable, long-term energy supply to the Northeast.

<sup>6</sup> 49 FR 6084, February 22, 1984.



Although conservation programs are a significant component in efforts to address existing and future energy supply constraints in the Northeast, regional growth is still expected to outstrip supply and require the continued upgrading and expansion of fuel delivery systems.

## 2. Single Pipeline Alternative

Concurrently with the Iroquois environmental evaluation, the FERC considered the Champlain Project to supply Canadian natural gas to Vermont, New Hampshire, Massachusetts and Rhode Island. The Champlain proposal involved a pipeline running south from the U.S./Canadian border through the States of Vermont, New Hampshire and Massachusetts. The proposed Iroquois/Tennessee and Champlain Projects were not in competition with each other but were intended to meet discrete incremental gas requirements in the Northeast.

In November of 1989 the FERC issued Draft Environmental Impact Statements (DEIS's) for both the Iroquois/Tennessee and the Champlain Projects. In a consolidated volume II for both DEIS's, the FERC examined single pipeline alternative systems that could accomplish the objectives of both the proposed projects, while potentially reducing the environmental impact.

Because of difficulties in procuring firm supplies of gas, the Champlain Project has been indefinitely deferred. Consequently, the Iroquois/Tennessee Project was expanded to supply service to some of Champlain's customers (basically the Iroquois Phase II volumes). As a result, Iroquois/Tennessee is the only new pipeline project currently proposed to run from the Canadian border south into the Northeast. Since there are no longer two major pipeline projects proposed, the reason for considering single project alternatives no longer exists, and, in fact, the Iroquois/Tennessee Project, as proposed in Phases I and II, closely resembles one of the single pipeline alternatives considered by the FERC in the DEIS.

## 3. Project System Alternatives

Project system alternatives are those alternatives that meet the stated objective of the project, but utilize a different gas import point or delivery system. The FEIS examined two project system alternatives: (1) The Niagara Import Alternative, and (2) the Highgate Import Alternative. In addition, in lieu of the proposed Long Island Sound crossing, the FEIS examined a New Jersey-Long Island Alternative.

The Niagara Import Alternative examined the feasibility of an alternative to the Iroquois Phase I Project that would import the gas at Niagara Falls, New York, and maximize the use of existing pipeline corridors through a mix of pipeline looping and added compression. The FEIS concluded that the Niagara Import Alternative has no significant environmental advantage over the proposed Iroquois/Tennessee route.

The Highgate Import Alternative examined the feasibility of an alternative new pipeline that would originate at the U.S./Canadian border near Highgate, Vermont. Two alternative pipelines extending from Highgate were examined. One alternative would connect with the existing Algonquin mainline system in eastern Massachusetts, and the other would connect with the existing Tennessee 300 mainline system in Connecticut. The FEIS found that the Highgate Import Alternative may be environmentally preferable to the Iroquois/Tennessee Project, but noted that the route (which follows that proposed by Champlain) was controversial and that the environmental and other issues regarding the Highgate Import Alternative would take a significant amount of time to resolve. Therefore, the FEIS concluded that the timing differential may make the alternative unreasonable with regard to providing needed service to the Northeast.

The New Jersey-Long Island Alternative would cross the Raritan and Lower Bays from New Jersey to the south shore of Long Island. In this alternative, gas destined for Long Island would be delivered by Tennessee or Algonquin to Transcontinental Gas Pipe Line Company (Transco) by backhaul and exchange agreements. Transco would then deliver the gas to Long Island on the proposed alternative. The FEIS concluded that the New Jersey-Long Island Alternative would have a potentially greater environmental impact than the proposed facilities and, therefore, was eliminated from further consideration.

## 4. Major Route Alternatives

Major route alternatives are those that have the same impact and delivery points as the proposed project, but follow routes significantly different from those proposed by the applicant. Generally, the major route alternatives considered in the FEIS take advantage of existing pipeline, electric transmission line, or highway right-of-ways to reduce the need for construction of new pipeline on new right-of-ways.

The FEIS found that none of the major route alternatives it examined were environmentally superior to the currently proposed route.

## 5. Route Variations

Although the FEIS determined that the Iroquois Phase I Project should be constructed substantially as proposed, route variations were identified and assessed to avoid or reduce impacts associated with pipeline construction and operation on various resources, including residential areas, sensitive or significant habitats or water crossings, recreational areas, and wetlands. A total of 133 variations were considered. Of those considered, 95 were recommended for adoption.

## 6. Compressor Station Alternatives

Compression facilities are proposed at one new site in Mendon, Worcester County, Massachusetts. In assessing whether an alternative site should be considered, factors that were considered included proximity to noise-sensitive areas, loss of primary farmland, land use compatibility, wetland disturbance, and presence of endangered or threatened species. One alternative site was considered but was found to be technically and environmentally comparable to the proposed site. The FEIS found that the proposed site would not have a significant effect on noise-sensitive areas, land use, wetlands, or wildlife resources.

## 7. No-Action Alternative

The no-action alternative would consist of the denial of any of the permits required for construction and operation of the Iroquois Phase I facilities or denial of the DOE import authorizations. Under this alternative no construction would take place and the impacts to the natural environment associated with the project would not occur. If the Iroquois Phase I pipeline facilities are not constructed, potential users will need to seek natural gas from other systems or increase usage of fuel oil, coal, and other alternative fuels that would increase emissions of air pollutants.

## VII. Considerations in Implementing the Decision

FE has determined that the no-action alternative is the environmentally preferred alternative, because none of the physical impacts to the natural environment identified in the FEIS associated with the Iroquois Phase I Project would occur. However, FE has concluded that these impacts would be minimal and are acceptable when



compared to the substantial benefits to be derived from the project in meeting current and future energy demand in the Northeast.

In weighing the no-action alternative against the benefits associated with the Iroquois Phase I Project, FE determined that the project would (1) provide additional pipeline capacity to transport natural gas to a rapidly expanding market region, (2) introduce a new price-competitive source of natural gas from western Canada, and (3) enhance air quality in the region by allowing increased use of clean burning natural gas rather than coal or oil in electric generation plants. The FE also took into consideration the extent to which mitigative construction techniques could be recommended. Numerous alternative routes for the proposed project were recommended to avoid impact on wetlands, residential areas, and other areas of concern. FE believes that the mitigative construction procedures developed by the FERC, in conjunction with other Federal cooperating agencies, would significantly reduce the impact of pipeline construction on stream and wetland crossings. Finally, specific erosion control, revegetation, and right-of-way maintenance procedures recommended by the FEIS would further mitigate the negative environmental impacts.

On November 14, 1990, the FERC issued an order on the Iroquois Phase I Project.<sup>7</sup> The FERC order concluded that if its required mitigation measures are followed, the construction and operation of the Iroquois Phase I facilities would have a limited, adverse environmental impact.

FE notes that the FERC, COE, EPA, and the environmental regulatory agencies of the States of New York, New Jersey, Massachusetts, Connecticut, Rhode Island, and New Hampshire, have principal authority and direct responsibility to impose and monitor mitigation measures and conditions relative to the construction and operation of the proposed Iroquois Phase I facilities through their various authorizations and permits. In its order, the FERC require the Iroquois Project sponsors to adhere to the construction procedures and mitigation measures described in their respective applications. The order also stipulated the implementation of, for all disturbed areas, an "Erosion Control, Revegetation, and Maintenance Plan" (ECR&MP) contained in appendix C of

the FEIS. By implementing the ECR&MP, impacts on soil resources, including agricultural lands, from erosion, soil structure damage, compaction and drainage alternations would be minimized. The FERC determination on the Iroquois Phase I Project included route variations recommended in the FEIS. The FERC also required that the sponsors incorporate the "Stream and Wetland Construction and Mitigation Procedures" (Procedures) contained in Appendix D of the FEIS when constructing across flowing streams, rivers, and wetlands. By implementing the Procedures, impact on aquatic resources should be reduced to acceptable levels. Many additional mitigation conditions were required in the preliminary order to further reduce the anticipated environmental impacts. Finally, to insure compliance with all mitigation measures imposed, the FERC's November 14 order imposed a requirement that the sponsors provide one environmental inspector per construction spread.

#### VIII. Conclusion

The decision whether to authorize each natural gas import application has been evaluated against the potential environmental impacts. Implementing the specific mitigation measures identified in the FEIS, together with the stipulations required by the FERC, would minimize the negative environmental effects and promote the positive effects of the proposed Iroquois Phase I Project. Accordingly, and to the extent they will use Iroquois Phase I facilities, DOE has decided to grant the applications of Brooklyn Union, *et al.*, Orchard, JMC Selkirk, Pawtucket, and Granite State and has determined that this decision is not inconsistent with the public interest under section 3 of the NGA.

Issued in Washington, DC, November 15, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-27432 Filed 11-20-90; 8:45 am]

BILLING CODE 6450-01-M

#### [FE Docket No. 90-69-NG]

#### JMC Fuel Services, Inc.; Order Granting Blanket Authorization To Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting

blanket authorization to export natural gas to Canada.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting JMC Fuel Services, Inc. (JMC Fuel) blanket authorization to export from the United States to Canada up to 12 Bcf of natural gas on an interruptible basis over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 15, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-27433 Filed 11-20-90; 8:45 am]

BILLING CODE 6450-01-M

#### [FE Docket No. 90-72-NG]

#### Santanna Natural Gas Corp.; Order Granting Blanket Authorization to Import and/or Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import and/or export natural gas, including liquefied natural gas.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Santanna Natural Gas Corporation (Santanna) blanket authorization to import and/or export up to a combined total of 73 Bcf of natural gas, including liquefied natural gas, over a two-year period beginning on the date of the first import or export.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

<sup>7</sup> 52 FERC Para 61,091.



Issued in Washington, DC, November 14, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-27434 Filed 11-20-90; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3862-7]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before December 21, 1990.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer at EPA, (202) 382-2740.

#### SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

**Title:** Section 12(b) Notification of Chemical Exports. (ICR #0795.05; OMB #2070-0030). This ICR requests renewal of the existing clearance.

**Abstract:** Under section 12(b)(2) of the Toxic Substances Control Act (TSCA), those who export or intend to export federally regulated chemical substances (or mixtures) must notify the EPA Administrator annually of the export or intent to export. EPA will then notify the government of the importing country of the Agency's action concerning the regulated chemical. Respondents submit to EPA one annual notice per chemical for each country to which they are intending to export. A notice consists of: the name and address of the exporter, the name (or list) of the chemical(s) to be exported, the country of import, the date of export, and a citation of the TSCA section (4, 5, 6 or 7) requiring the chemicals to be reviewed for export.

**Burden Statement:** The estimated public reporting burden for this collection of information is 34.3 hours per respondent. This estimate includes time to read the instructions, gather existing information, prepare the

chemical lists and submit the annual notice. On average a respondent will prepare 66.6 export notices, each requiring .5 hours. An additional hour per respondent is required to prepare the 12(b) list.

**Respondents:** Exporters of TSCA section 12(b)(2) chemicals (primarily in SICs 28 and 29).

**Estimated No. of Respondents:** 150.

**Estimated Total Annual Burden on Respondents:** 5150 hours.

**Frequency of Collection:** Once annually for each exported 12(b) chemical.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental

Protection Agency, Information Policy Branch (PM-223), 401 M Street, SW., Washington, DC 20460.

and  
Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: November 15, 1990.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 90-27398 Filed 11-20-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3862-6]

### Science Advisory Board, Drinking Water Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the Drinking Water Committee of the Science Advisory Board will be held December 6-7, 1990 at the Washington Marriott Hotel, 1221 22nd Street, NW., Washington, DC 20037. This meeting will start at 8:30 a.m. on December 6 and will adjourn no later than 1 p.m. December 7.

The main purpose of this meeting will be to review a numerical model for estimating virus levels in drinking water called VIRALT and the research plan for investigating the health effects of ingested arsenic. Briefings at this meeting will cover monitoring, analytical methods, risk assessment and chloramines. The Committee plans to finalize its report concerning the criteria document for trihalomethanes at the meeting.

The VIRALT documents are available from Mr. Stig Regli, Office of Drinking Water (202-382-7379) and the arsenic document is available from Dr. Jack Fowle, Office of Research and Development (919-541-2479).

Any member of the public wishing to make a presentation at the meeting should forward a written statement to Dr. C. R. Cothorn, Executive Secretary, Science Advisory Board (A-101F), U.S. Environmental Protection Agency, Washington, DC 20460 by November 28, 1990, FAX 202-475-9693. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total of ten minutes.

Dated: November 15, 1990.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 90-27397 Filed 11-20-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3862-5]

### Science Advisory Board, Environmental Engineering Committee, Osver Modeling Project Subcommittee, Teleconference Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Science Advisory Board's (SAB's) Environmental Engineering Committee (EEC), OSWER (Office of Solid Waste and Emergency Response) Modeling Project Subcommittee will conduct a Teleconference Meeting on Friday, December 7, 1990. The meeting will be held in the Environmental Protection Agency's Headquarters Video Room 6, south, 401 M Street, SW., Washington, DC 20460. The teleconference will begin at 1 p.m. and adjourn no later than 4 p.m. on Friday, December 7, 1990.

The purpose of the teleconference is to conduct a consultative review focused around a draft report entitled "Report on the Usage of Computer Models in Hazardous Waste/Superfund Program—OSWER Models Management Initiative, Phase II," and to provide advice related to this activity directly to the Information Management Staff (IMS) of OSWER on this topic. For receiving the draft report related to this teleconference, please call Ms. Mary Lou Melley, IMS/OSWER at 202/382-5760.

The teleconference is open to the public. Any member of the public wishing further information on the teleconference or those who wish to submit written comments or who wish to attend should contact Dr. K. Jack Kooyoomjian, Designated Federal Official, or Mrs. Marcy Jolly, Secretary



Advisory Board (A101F), U.S. Environmental Protection Agency, Washington, DC 20460, at 202/382-2552 by December 5, 1990. Seating space is limited.

Dated: November 15, 1990.

Donald G. Barnes,

Director, Science Advisory Board (A101F).

[FR Doc. 90-27396 Filed 11-20-90; 8:45 am]

BILLING CODE 6560-50-M

## FARM CREDIT ADMINISTRATION

### Determination of Insufficiency of Assets of Federal Land Bank of Jackson in Receivership and Federal Land Bank Association of Jackson in Receivership

**ACTION:** Notice.

**SUMMARY:** On May 20, 1988, the Farm Credit Administration (FCA), in accordance with § 4.12 of the Farm Credit Act of 1971 (Act) placed the Federal Land Bank of Jackson (FLBJR) and Federal Land Bank Association of Jackson (FLBAJR) in Receivership and appointed REW Enterprises, Inc., to serve as the receiver thereof. 53 FR 18812.

In accordance with FCA regulations governing receiverships, the receiver took possession of the FLBJR and FLBAJR in order to wind up their business operations, collect the debts owed to the institutions, liquidate their assets, pay their creditors, and distribute the remaining proceeds to stockholders. 12 CFR part 611, subparts K-M. During the course of the receiverships, the receiver has been primarily engaged in the collection of loans made by FLBJ and other debts owed to FLBJR and FLBAJR through payoff, settlement, offset, foreclosure and other collection actions and litigations, the defense of claims asserted against the receiverships and their assets and the liquidation of the assets of the receiverships through auction, agreement and bulk sale of loans and other property.

Pursuant to an agreement dated April 27, 1990, the receiver sold almost all of the previously unsold assets of the FLBJR and FLBAJR in consideration for the assumption by the purchasers of an equal amount of liabilities. In connection with that sale and pursuant to §§ 64, 6.5 and 6.27 of the Act the Farm Credit System Assistance Board (Assistance Board) certified the FLBJR as eligible to issue and sell to the Farm Credit System Financial Assistance Corporation (Assistance Corporation) preferred stock in the amounts that were necessary to enable the receiver to

retire the eligible borrower stock of the institutions as required under § 4.9A of the Act and to provide for the assumption of the remaining bond obligations of the FLBJR.

Under the regulations regarding the priority of claims in connection with the distribution of the assets of Federal land bank associations and Federal land banks (12 CFR 611.1167 and § 611.1174, respectively), the assets of associations and land banks are distributed in descending order to claimant for the following items: *first*, administrative expenses of the receivership, *second*, claims for taxes, *third*, claims of secured creditors, *fourth*, claims of the supervising bank (for the FLBAJR) or collateralized individual banks bonds and consolidated and Systemwide bond liabilities (for the FLBJR), and *fifth*, claims of general creditors. Each class of claims must be paid in full, or provision made for payment, before claims of a subordinate class may be paid.

In accordance with the preferred stock purchase agreement and consistent with provisions of 12 CFR 611.1167 and 611.1174, following the payment of all claims against the FLBJR and FLBAJR that have a higher priority than the claims of holders of consolidated and Systemwide bonds, any remaining funds of the institutions shall, immediately prior to the final discharge of the receiver, be refunded to the Assistance Corporation in connection with the simultaneous retirement of an equal amount of preferred stock.

The books and records of the receiverships have been audited by an independent public accountant. The FCA, based on examinations of the records and operations of the FLBJR and FLBAJR and the result of the independent audits, has determined that all assets of the FLBJR and FLBAJR have been disbursed, or provision has been made for their disbursement, in accordance with the provisions of 12 CFR 611.1167 and 611.1174. In the case of the FLBAJR, the undisbursed assets of the FLBAJR are insufficient to pay any claims that are junior to the claims of the FLBJR as provided for in 12 CFR 611.1167(a)(4). In the case of the FLBJR, the undisbursed assets of the FLBJR are insufficient to pay any claims that are junior to the claims of holders of consolidated and Systemwide bonds are provided for in 12 CFR 611.1174(c)(5).

Accordingly, the FCA has determined that the assets of the FLBJR and FLBAJR are insufficient to pay any asserted or unasserted claims of general creditors.

Signed by Harold B. Steele, Chief Executive Officer, Farm Credit Administration, on November 14, 1990.

Dated: November 15, 1990.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 90-27430 Filed 11-20-90; 8:45 am]

BILLING CODE 6705-01-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed; City of Los Angeles Harbor Department/Containerfreight Transportation Co.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No:* 224-200441.

*Title:* City of Los Angeles Harbor Department/Containerfreight Transportation Co. Terminal Agreement.

*Parties:* City of Los Angeles Harbor Department (City), Containerfreight Transportation Co. (CFT).

*Synopsis:* The Agreement provides that the City will grant CFT permission to occupy and use certain lands, water and facilities within the Harbor District. CFT shall use the premises solely for warehousing, storing, handling and distribution of goods and commodities, including the storage of containers, chassis and trucks, and for purposes incidental thereto. CFT agrees to pay City a monthly rental of \$57,088.00 for use of the premises, and all utility charges for services furnished to the premises or used in connection with its occupancy.

Dated: November 15, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90-27350 Filed 11-20-90; 8:45 am]

BILLING CODE 6730-01-M



# **Agreement(s) Filed; Jacksonville Port Authority/Macmillan Bloedel Building Materials Terminal Agreement**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement no:* 224-200442.

*Title:* Jacksonville Port Authority/Macmillan Bloedel Building Materials Terminal Agreement.

*Parties:* Jacksonville Port Authority (Port) Macmillan Bloedel Building Materials (MBBM).

*Synopsis:* The Agreement provides the warpage terms and the charges MBBM will pay the Port on forest products moving through certain facilities at the Port's Talleyrand Docks and Terminal.

By Order of the Federal Maritime Commission.

Dated: November 16, 1990.

Joseph C. Polking,  
Secretary.

[FR Doc. 90-27387 Filed 11-20-90; 8:45 am]

BILLING CODE 6730-01-M

## **Filing and Effective Date of Agreement**

The Federal Maritime Commission hereby gives notice that on November 13, 1990, the following agreement was filed with the Commission pursuant to section 5 of the Shipping Act of 1984 and was considered effective that date to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

*Agreement No:* 224-000084-002.

*Title:* Pacific Maritime Association Assessment Agreement.

*Parties:* Members of the Pacific Maritime Association.

*Synopsis:* The Agreement amends and restates the basic agreement concerning assessments paid to the International Longshoremen's and Warehousemen's Union and Pacific Maritime Association employee benefit costs. The Agreement clarifies the basic agreement's terms

and conditions, leaving the basic assessment formula in place.

Dated: November 15, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 90-27352 Filed 11-20-90; 8:45 am]

BILLING CODE 6730-01-M

# **Agreement(s) Filed; State of Hawaii/Puget Sound Tug & Barge Co.**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-011004-001

*Title:* State of Hawaii/Puget Sound Tug & Barge Company, dba Hawaiian Marine Lines Terminal Agreement.

*Parties:*

State of Hawaii  
Puget Sound Tug & Barge Company,  
dba Hawaiian Marine Lines.

*Synopsis:* The Agreement reflects the deletion of an area of 578 square feet from leased premises at Honolulu Harbor, Oahu, Hawaii and a reduction in annual rent from \$22,164.00 to \$19,390.00.

Dated: November 15, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 90-27351 Filed 11-20-90; 8:45 am]

BILLING CODE 6730-01-M

# **Agreement(s) Filed; Vessel Operators Hazardous Materials Association, et al.**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal

Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 203-011290-003.

*Title:* Vessel Operators Hazardous Materials Association Agreement.

*Parties:*

America-Africa-Europe Line GMBH  
Atlantic Container Line B.V.  
Evergreen Marine Corporation  
(Taiwan), Ltd.  
Farrell Lines, Inc.  
Hamburg-Sudamerikanische  
Dampfschiffahrts Gesellschaft  
Eggert & Amsinck (Columbus Line)  
Hapag-Lloyd AG  
Independent Container Line Ltd.  
Kawasaki Kisen Kaisha Ltd.  
Mitsui O.S.K. Lines, Ltd.  
A.P. Moller-Maersk Line  
Neddlloyd Lijnen B.V.  
Nippon Yusen Kaisha Line  
P&O Containers, Ltd.  
Sea-Land Service, Inc.  
Wilh. Wilhelmsen Ltd. AS  
Zim Israel Navigation Co., Ltd.

*Synopsis:* The proposed amendment would add Crowley Maritime Corporation as a party to the Agreement. The parties have requested a shortened review period.

Dated: November 15, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 90-27349 Filed 11-20-90; 8:45 am]

BILLING CODE 6730-01-M

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Office of the Assistant Secretary for Health**

### **Advisory Committee on the Food and Drug Administration; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Advisory Committee on the Food and Drug Administration (FDA) will hold a meeting on Monday, December 17, 1990 from 8:30 a.m. to 5



p.m. and Tuesday, December 18, 1990 from 8:30 a.m. to 1 p.m. The meeting is open to the public and will be held in the Clark Room of the Holiday Inn Capitol Hill located at 550 C Street, SW., Washington, DC 20005. Public registration will begin one half hour prior to the beginning of the meeting on each day.

The purpose of this meeting is to discuss the results of the Subcommittee meetings which took place this Fall. The Committee will identify crosscutting issues, that have an impact on the mission, structure, and responsibilities of FDA, including resource questions such as facilities, personnel, and field and enforcement issues, for further discussion.

**FOR FURTHER INFORMATION CONTACT:** Sheryl Rosenthal, Advisory Committee on the Food and Drug Administration, Department of Health and Human Services, room 740-G Humphrey Building, 200 Independence Avenue, SW., Washington DC 20201. Telephone number (202) 245-7305.

Dated: November 14, 1990.

Eric M. Katz,

Executive Secretary, Advisory Committee on the FDA.

[FR Doc. 90-27345 Filed 11-20-90; 8:45 am]

BILLING CODE 4160-01-M

## Food and Drug Administration

[Docket No. 90F-0363]

### Ciba-Geigy Corp.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe and expanded use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl) phosphonate] as a stabilizer for low density polyethylene and olefin copolymers.

**FOR FURTHER INFORMATION CONTACT:** Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB4229) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188. The petition proposes to amend the food additive regulations in

§178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe and expanded use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as a stabilizer for low density polyethylene and olefin copolymers complying with 21 CFR 177.1520.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated November 14, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27374 Filed 11-20-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90F-0364]

### Ciba-Geigy Corp.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N,N*-bis(2-ethylhexyl)-*ar*-methyl-*1H*-benzotriazole-*l*-methanamine as a copper deactivator for lubricants.

**FOR FURTHER INFORMATION CONTACT:** Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4233) has been filed by Ciba-Geigy Corp., Seven Skyline Drive, Hawthorne, NY 10532-2188. The petition proposes to amend the food additive regulations in § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) to provide for the safe use of *N,N*-bis(2-ethylhexyl)-*ar*-methyl-*1H*-benzotriazole-*l*-methanamine as a copper deactivator for lubricants complying with 21 CFR 178.3570.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and

this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: November 14, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27372 Filed 11-20-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90F-0350]

### Ciba-Geigy Corp.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in various polymers intended for food-contact use.

**FOR FURTHER INFORMATION CONTACT:** Richard H. White, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB4227) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188. The petition proposes to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the additional use of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in polymers complying with 21 CFR 175.105, 175.125, 175.300, 175.320, 176.170, 176.180, 177.1210, 177.2600, 178.3800, and 178.3850, respectively.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).



Dated: November 14, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27373 Filed 11-20-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0394]

# **Drug Export; Minitran® (Nitroglycerin) Transdermal System**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that 3M Pharmaceuticals has filed an application requesting approval for the export of the human drug Minitran® (nitroglycerin) Transdermal System to France, Italy, and New Zealand.

**ADDRESSES:** Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

**FOR FURTHER INFORMATION CONTACT:** Frank R. Fazzari, Division Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that 3M Pharmaceuticals, 3M Center Bldg. 270-3A-01, St. Paul, MN 55144-1000, has filed an application requesting approval for the export of the drug Minitran®

(nitroglycerin) Transdermal System, to France, Italy, and New Zealand. This product is used for the prevention of angina pectoris due to coronary artery disease. The application was received and filed in the Center for Drug Evaluation and Research on September 17, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by December 3, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: November 6, 1990.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-27375 Filed 11-20-90; 8:45 am]

BILLING CODE 4160-01-M

## **Health Care Financing Administration [BPO-081-N]**

### **Medicare Program; Establishing Procedures for Transmitting Information Between Medicare Carriers and Medicare Supplemental Insurers**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** General notice.

**SUMMARY:** This notice announces and describes the procedure for the automatic transfer of claims information from Medicare carriers to Medicare supplemental (Medigap) insurers when a beneficiary has assigned his or her right of payment to a participating physician or supplier. It delineates the roles of the Medicare carriers, Medigap insurers, State insurance departments, beneficiaries, physicians and suppliers, and HCFA.

The procedure for the automatic transfer of claims is required by section 1842(h)(3)(B) of the Social Security Act, as added by section 4081(a) of the Omnibus Budget Reconciliation Act of 1987 and is intended to speed payment of Medicare supplemental insurance benefits to participating physicians and suppliers.

**EFFECTIVE DATE:** This procedure is effective for dates of service on or after January 1, 1989, as set by statute (Pub. L. 100-203).

#### **FOR FURTHER INFORMATION CONTACT:**

Telephone inquiries: Joan Kral, (301) 966-7160.

Written inquiries: Marc Thomas, Health Care Financing Administration, Bureau of Program Operations, 367 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

##### **A. Medicare Supplemental Policies**

The Medicare program consists of two separate but complementary insurance programs, a Hospital Insurance Benefits program, known as part A, and a Supplementary Medical Insurance program, known as part B. The Medicare program was not designed to cover the total cost of providing medical care for its beneficiaries. Both parts A and B have deductible and coinsurance cost sharing provisions. Also, there are a number of items not covered under either of Medicare's two insurance programs such as custodial nursing home care, dental care, and eyeglasses. Beneficiaries may either pay the full cost of these services out-of-pocket or may choose to purchase additional private insurance to help pay the costs.

Nearly two-thirds of all Medicare beneficiaries have some type of private health insurance coverage in addition to Medicare. This coverage includes Medicare supplemental policies, employer sponsored health plans, as well as limited benefit plans such as indemnity policies, specified disease coverage and long-term care policies.

Medicare supplemental policies are designed to fill specific gaps in the Medicare benefit structure. These policies typically offer coverage of some or all of Medicare's deductible and coinsurance amounts and sometimes include coverage of services not covered under Medicare. There are many varieties of supplemental policies with premiums and benefit structures designed to meet the needs of people with a variety of incomes. A characteristic of most of these policies,



however, is that they base their payments on Medicare's coverage and reimbursement structures. They seldom pay more than the 20 percent coinsurance amount of the "reasonable charge" recognized by Medicare. They rarely pay any of the difference between the "reasonable charge" and the actual amount that physician or supplier of the services might charge. Furthermore, they frequently do not cover a broader range of services than are covered by Medicare. The premiums for these policies are usually adjusted annually to compensate for increases in Medicare's deductible and coinsurance amounts.

In an effort to address certain abuses associated with the sale of health insurance to the elderly, the Congress enacted legislation, known as the Baucus Amendment. Effective June 9, 1980, section 507(a) of the Social Security Disability Amendments of 1980 (Pub. L. 96-265) added section 1882 to title XVIII of the Social Security Act (the Act) concerning minimum standards for Medicare supplemental health insurance policies. Medicare regulations at 42 CFR part 403, subpart B, implement section 1882 of the Act.

Section 1882 of the Act and its implementing regulations address only Medicare supplemental policies and do not include policies offered by an employer or sold to Medicare beneficiaries as limited health benefit insurance plans. For the purposes of this notice, the term "Medigap" is used to mean a Medicare supplement insurance policy as defined in section 1882(g)(1) of the Act. This section defines a Medicare supplemental policy as a health insurance policy or other health benefit plan, offered by a private company to those entitled to Medicare benefits, that provides reimbursement for Medicare approved charges not reimbursable because of the applicability of deductibles, co-insurance amounts, or other Medicare imposed limitations. It explicitly excludes a policy or plan offered by an employer to employees or former employees, as well as a policy or plan offered by a labor organization to members or former members.

#### *B. The Participating Physician/Supplier Program*

Under part B of Medicare, which covers physicians' services and other medical and health services, the beneficiary is free to select any physician or supplier he or she chooses. Physicians and suppliers are also free to accept or not accept assignment of the beneficiary's claim. Assignment is an agreement between the physician or supplier and the Medicare beneficiary by which the beneficiary transfers to the

physician or supplier his or her right to benefits based on covered services specified on the assigned claim. If a physician accepts assignment of a case, he or she, in turn, agrees to accept the Medicare approved charge as payment in full for the service or services furnished. If the physician or supplier does not accept assignment, he or she reserves the right to bill the beneficiary for more than the Medicare approved amount and must bill the beneficiary directly. The beneficiary must then pay the physician or supplier and file a claim for reimbursement with the Medicare carrier and Medigap insurer, if the beneficiary has such a policy. The beneficiary is generally paid 80 percent of the Medicare approved charge by the Medicare carrier and 20 percent of the Medicare approved amount by the Medigap insurer. On non-assigned claims, the beneficiary must pay the difference between the doctor's actual bill and the Medicare approved amount.

Section 2306 of the Deficit Reduction Act of 1984 (Pub. L. 98-369) established a voluntary participation system for physicians and suppliers similar to the participating physician agreements successfully used by some Blue Shield plans in their private businesses. Under the participating physician and supplier program, physicians and suppliers are encouraged to sign "participation" agreements with Medicare, requiring them to accept assignment for all services provided to all Medicare beneficiaries during a specified time period. By selecting a participating physician or supplier, the beneficiary has the assurance that he or she will not be billed more than the Medicare approved charge for covered services.

Under current law, physicians and suppliers who accept assignment (either as a participating physician or supplier or on a case-by-case basis) must submit a claim to Medicare for payment of covered services. With limited exceptions, the Medicare payment amount is normally 80 percent of the Medicare approved charge for a covered service. To receive payment for the standard 20 percent coinsurance, physicians and suppliers must currently bill either the beneficiary or the beneficiary's Medigap insurer (if the beneficiary has assigned to the doctor or supplier the right to be paid directly by the private insurer). Thus, physicians or suppliers must send two bills, one to the Medicare carrier and a second one to the beneficiary or Medigap insurer.

Some Medicare carriers currently exchange claims information with Medigap insurers on a voluntary basis. However, there is no required procedure

for so streamlining the claim-filing process. Moreover, under most of these "complimentary" arrangements, the Medigap insurer reimburses the beneficiary and does not provide for the assignment to the physician or supplier of the beneficiary's right to payment.

#### *C. Requirements of the Omnibus Budget Reconciliation Act of 1987*

Section 4108(a) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203, enacted December 22, 1987) adds section 1842(h)(3)(B) to the Act and requires the Secretary to establish a procedure whereby a Medicare beneficiary may assign his or her right to payment for an item or service provided by a participating physician or supplier under a Medicare supplemental policy (as described in section 1882(g)(1) of the Act) in which he or she is enrolled. As required by section 4081(a), when the Medicare carrier receives such a properly executed dual assignment of a claim, the carrier must transmit to the Medigap insurer a notice and any additional information that the Secretary determines to be appropriate in order to enable the Medigap insurer to determine the existence and amount of any payment due under the Medigap policy. The Secretary may enter into agreements for the electronic transmittal of such claim information. The Secretary is required to impose user fees for all transmittals of information to Medigap insurers, whether provided electronically or otherwise.

Section 4081(b) of Public Law 100-203 amends section 1882 of the Act to complement section 4081(a) by establishing standards for direct transmittal by Medicare carriers to Medigap insurers of Part B claims submitted for services to beneficiaries by participating physicians and suppliers.

Section 4081(b)(1)(A) amends section 1882 of the Act to require States to adopt the requirements added by section 4081(b)(2) as part of their regulatory programs for Medicare supplemental policies in order to have the regulatory programs approved by the Supplemental Health Insurance Panel. As a further condition for approval, section 4081(b)(1)(C) amends section 1882 of the Act to require States to periodically (at least annually) provide the Secretary with a list containing the name and address of the issuer of each Medigap policy issued in the State and the name and number of each policy—including an indication of policies that have been previously approved, newly approved, or withdrawn from approval since the previous list was provided.



Section 4081(b)(2)(C) amends section 1882 to the Act to add claim processing requirements for Part B bills submitted by participating physicians and suppliers to the minimum Federal standards required for certification of Medicare supplemental policies by requiring that an issuer of a Medicare supplemental policy—

- Accept a notice from a Medicare carrier as a claim for benefits in place of any other claim form otherwise required and make a payment determination on the basis of the information contained in that notice;

- When a notice is received from a Medicare carrier—

- Notify the participating physician or supplier and the beneficiary of the payment determination, and

- Pay the participating physician or supplier directly;

- At the time of enrollment, provide each enrollee with a card listing the policy name, number, and a central mailing address to which notices from a Medicare carrier concerning the policy may be sent;

- Agree to pay any user fees for claim notices that are transmitted electronically or otherwise; and

- At least annually, provide the Secretary of Health and Human Services, with a central mailing address to which all claims may be sent by carriers.

Section 4081(c)(2) of Public Law 100-203 requires that the provisions of section 4081(b)—

- Apply to Medigap policies for services furnished on or after January 1, 1989; or

- Are effective the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1989, if the Secretary identifies a State in which legislation is required to amend the State's regulatory program for Medicare supplemental policies, and if the legislature was not scheduled to meet in 1988 or had not enacted such legislation before July 1, 1988.

We are developing a separate regulation that will implement section 4081(b) and (c) of Public Law 100-203. This regulation will also implement section 221 of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) and portions of the Medicare Catastrophic Coverage Repeal Act of 1989 (Pub. L. 101-234) by adding requirements for certification of Medicare supplemental policies under the Federal Voluntary Certification Program or for approval under State regulatory programs, that are deemed to

have standards that are equal to or more stringent than those of the Federal program.

## II. Roles and Responsibilities of Involved Parties

### A. Medicare Carriers

Medicare carriers will be provided with Medicare Carriers Manual (MCM) instructions detailing their role in implementing the operating procedures for the automatic transfer of claims information to Medigap insurers. Carriers have already implemented interim procedures to transmit this information to Medigap insurers. It will not be necessary for carriers to retransmit claims information previously generated under interim procedures. The carriers must make all systems modifications necessary to produce and transmit claims information to Medigap insurers. Medicare carriers will forward information for those processed claims that include approved charges for which payment is made at 80 percent or for which no payment is made but for which the approved charge was applied to the Medicare deductible. Claims that are denied (that is, no approved charges are included on the claim) will not be transferred to Medigap insurers unless they specifically negotiate agreements with carriers to receive and pay for those claims transmissions. Neither the original claim nor supporting documentation will be transmitted with the notice. The notice transmitted to the Medigap insurer by the carrier will include the physician's or supplier's name, address and tax identification number, as well as the procedure codes for the services furnished.

Carriers will provide instructions to participating physicians and suppliers regarding correct completion of claim forms for transfer of information. Physicians and suppliers should be advised that a failure to supply all the additional information needed (the supplemental insurer's name and complete mailing address, enrollee's identifying number and address, and evidence of a properly executed assignment) will preclude the transmittal of the claim to the Medigap insurer.

If all required information is correctly and completely recorded on the claim and assignment properly executed, the Medicare carrier will transmit the claims information to the named Medigap insurer.

If the claim form is properly completed, the carrier will presume that the name of the insurer entered on the form is a Medicare supplemental insurer within the meaning of section 1882(g)(1)

of the Act. We will be receiving, both from States and insurers, names and addresses of insurers selling policies that meet that definition. We expect to complete a unified listing of those insurers (a comprehensive national list of Medigap insurers compiled by combining information from the State insurance departments and the Medigap insurers) and provide it to our carriers for their guidance and as a reference to check the correctness of addresses. However, the carriers will have no monitoring or enforcement role with regard to determining whether the supplemental policies under which claims are submitted have been State approved or Federally certified.

Minimally, transmissions of claims information are required at least monthly. When the Medicare claim is processed, the carrier will issue notices to both the beneficiary and the physician or supplier regarding the future transmission of Medigap claims information.

In those instances when Medigap information will be transmitted, the physician's or supplier's remittance notice must state that information concerning the Medicare approved charges will be sent to the named insurer within 30 days for payment under the insured's Medicare supplemental policy. It must further state that questions regarding payment of Medicare supplemental benefits should be directed to that insurer. The beneficiary will receive the same message on his or her Explanation of Medicare Benefits (EOMB). (The EOMB is the notice sent to beneficiaries to explain payment and coverage determinations.)

Hardcopy notices transmitted to Medigap insurers may be returned to carriers by the post office as undeliverable. Carriers will retransmit notices that are returned due to carrier error. They will develop procedures to advise beneficiaries, physicians, and suppliers of their responsibility for filing Medigap claims when notices are returned but not retransmitted.

The carrier must charge each Medigap insurer for the cost of preparing and sending them claims information (whether by paper or electronically) for participating physicians and suppliers. Fees will be established in accordance with the procedures used by Medicare carriers for transmitting Medicare claims information to complementary insurers. Complementary insurers are supplemental insurers that currently have written agreements with Medicare contractors for the routine transfer of Medicare claims information. The



agreement includes the method of transfer (electronic or paper), the amount to be charged to the complementary insurer based on the Medicare contractor's cost to process the claim, and the cost to transfer the information to the complementary insurer. The agreement also must provide for review by the Office of Inspector General, and any necessary adjustments are based on that review. The procedures for transmitting to Medigap insurers are being developed and will be contained in section 4600ff of the MCM, part I.

User fees charged Medigap insurers for claims information will be capped in fiscal year 1990 at \$1.00 per claim, regardless of the means or frequency of transmission. This \$1.00 cap for fiscal year 1990 is an interim rate subject to audit review and possible revision, if deemed appropriate by HCFA. Medicare carriers and Medigap insurers may enter into formal agreements for the exchange of this information by paper or electronic transfer. Medigap insurers are not required to furnish eligibility files to Medicare carriers as a precondition to entering into agreements for transmittal of claims information by electronic means. For agreements involving electronic transfer, Medigap insurers will be charged the same rate that the Medicare contractor charges for complementary insurance plus any additional costs incurred specifically for the Medigap claim. Additional Medigap costs will include direct data entry of the insurer's name and address and the insured's policy identification number and address as well as billing and mailing. For fiscal year 1990, all these charges are subject to the \$1.00 per claim cap unless the insurer requests additional information or a special format. All agreements for the exchange of claims information are subject to review (and adjustment if necessary) by the Department of Health and Human Services' Office of the Inspector General.

Existing complementary agreements need not be disturbed, except that they must be modified to recognize the beneficiary's right to assign Medigap payment to participating physicians and suppliers on a claim by claim basis. These agreements must also be modified to state that it is the beneficiary's right to designate a particular insurer to receive a notice for payment to the participating physician or supplier. In cases involving multiple Medigap policies, other insurers may receive notices of claim information under complementary arrangements with payment made to the beneficiary.

Carriers will be required to report to HCFA the credit for Medigap claims information transferred. This credit must be identified on the appropriate line on HCFA Form-1524. Carriers are also required to submit a supplemental schedule with the fiscal year budget request and the final administrative cost proposal, identifying the gross volume of claims transferred, the number of claims returned, the net volume of claims transferred, the amount of costs incurred, the gross user fee assessed, the amounts credited for returned claims, the net user fee assessed, and the user fees collected. The originals of these forms are to be sent to the appropriate HCFA regional office and a copy to: Health Care Financing Administration, Division of Contractor Financial Management, Bureau of Program Operations, P.O. Box 26677, Baltimore, MD 21207.

Carriers should determine the frequency of billings by the volume of claims transferred. If the volume increases, so should the frequency of billing. Medicare carriers should not bill Medigap insurers for claims transferred erroneously when the information furnished on the claim form is incorrect. Examples of these errors could include: A beneficiary no longer insured by the insurer, a claim paid 100 percent by Medicare, a claim denied by Medicare, an incorrect beneficiary or provider number, an incorrect address, the named policy is not a Medicare supplemental policy, or the claim is a duplicate of the claim already filed by the beneficiary.

If a Medigap insurer fails to pay the user fees, the carrier is to inform the insurance department of the State in which the policyholder resides. If that State insurance department does not accept jurisdiction, the carrier will inform the appropriate HCFA Regional Office (RO). The RO will contact the Division of Operational Initiatives, HCFA Central Office (CO), for assistance in determining the department having jurisdiction. If the carrier contacts the recommended insurance department and the problem remains unresolved, the claim for the unpaid user fees (plus any interest accrued) will be treated as a HCFA debt and will be handled according to the procedures for claims collection and compromise set forth at 42 CFR 401.601 through 401.625.

#### *B. Medicare Beneficiaries*

Beneficiaries initiate the automatic transmittal of claims information by exercising their right to assign payment of Medigap as well as Medicare benefits for the services of participating

physicians or suppliers. In practice, the beneficiary will present a Medigap enrollment card (supplied by the insurer) to the participating physician or supplier. The card lists the policy name, number (or enrollee identifier), and central mailing address to which carrier notices should be mailed. It is recommended but not required that the card clearly indicate that the policy is designated as Medicare supplemental coverage. If not stated on the card (or if the beneficiary is unable to produce the card for examination), the beneficiary is to provide the physician or supplier with the name of his or her Medigap insurer. On the present standard claim form, HCFA 1500, the beneficiary executes assignment of Medigap benefits by signing in block 13. (Physicians and suppliers that submit claims via electronic media must meet additional requirements for retention of properly executed assignments. Carriers will inform those physicians and suppliers of those requirements.)

Should the Medicare carrier be unable to transmit claims information to the Medigap insurer due to insufficient information, the Medigap transmission message is omitted from the beneficiary's EOMB. It is then the beneficiary's responsibility to file a separate Medigap claim with his or her insurer. Should the Medigap claim transmittal be completed and the Medicare beneficiary is dissatisfied with the Medigap insurer's decision or handling of the claim, the beneficiary would pursue the matter directly with the Medigap insurer.

#### *C. Physician or Supplier*

The participating physician or supplier is required to accept assignment of Medigap as well as Medicare benefits if the beneficiary chooses to assign his or her rights to these benefits to the physician or supplier. In cases of electronic transfers, the physician or supplier keeps evidence on file at his or her office that the beneficiary has properly executed an assignment.

After notification by the carrier that a claim has been transmitted to the Medigap insurer, all questions regarding payment under the Medigap policy are to be directed or referred to the private insurer. If the identifying information is incomplete or if more than one Medigap insurer was entered on the claim form, the Medigap transmission message is omitted from the remittance notice. Since failure to transmit the claims information to the Medigap insurer makes the Medigap assignment invalid, care should be taken by the physician's



staff to supply complete and correct information on the original claim in accordance with carrier billing instructions. In any case, the physician or supplier's office may, at its discretion, assist the beneficiary in filing a separate Medigap claim. When Medicare is secondary payer, the physician or supplier files for the primary benefits first.

#### D. Medigap Insurers

Medigap insurers must—

- Provide the Secretary of Health and Human Services, at least once a year, with an address to which claims should be sent for all policies meeting the definition of "Medicare supplemental" contained in section 1882(g)(1) of the Act. The initial report should be sent to the individual at the address specified for written inquiries in the section entitled **FOR FURTHER INFORMATION** of this preamble. Subsequently, insurers will be contacted by the Department of Health and Human Services regarding the due dates of these reports, their format, and where and to whom they must be sent.

- Issue cards to enrollees at the time of enrollment. The cards must contain the policy name and number and a central mailing address for claims processing. It is suggested (but not required) that these cards designate the policy as Medicare supplemental coverage to reduce the possibility of its being confused with other types of policies that do not meet the definition of Medicare supplemental insurance contained in section 1882(g)(1) of the Act. It is further suggested (but not required) that insurers issue cards to current enrollees to facilitate the identification of their policies.

- Accept the information transmitted by Medicare carriers in the format provided by the carrier, or bear the cost of developing and maintaining any system which uses a different format as negotiated with the carrier.

- Make a payment determination based on the information transmitted by the Medicare carrier.

- Notify the participating physician or supplier of the payment determination within 30 days of receipt of information (or within the specific "prompt payment") guidelines required under individual State law). Insurers must also notify the beneficiary of the payment determination. One possible means of notifications is sending the beneficiary a copy of the notice sent to the participating physician or supplier.

- Make "user fee" payments directly to Medicare carriers within 30 days of receiving appropriate billing notices for the transmittal of claims.

#### E. State Insurance Departments

A State must incorporate the provisions of section 4081 of Public Law 100-203 into its regulatory program for Medigap policies in order for the program to be approved by the Supplemental Health Insurance Panel established under section 1882 of the Act. The function of the Panel is to review the States' legislative and regulatory requirements for Medicare supplemental policies to determine whether the individual State standards are equal to or more stringent than those set forth in section 1882(b)(1) of the Act. States with Panel-approved programs are not subject to the Federal Voluntary Certification Program (VCP) for Medigap policies also established under section 1882 of the Act.

Additionally, at least once a year, the States are required under section 1882(b)(1)(E) of the Act to report to the Secretary of the Department of Health and Human Services the names and addresses of all Medigap insurers having policies in force within the State and the name and number of each policy. After the first list is submitted, subsequent lists should indicate whether policies were previously approved, newly approved, or withdrawn from approval since the previous list was submitted. The Department of Health and Human Services will be corresponding with State insurance departments regarding reporting dates, and where and to whom the information is to be sent.

#### F. HCFA

HCFA will fund the necessary modifications to the carriers' systems to enable them to transmit the claims information to Medigap insurers and will fund costs related to these procedures, not billed to the Medigap insurers, as carrier administrative costs in accordance with section 1842(c)(1) of the Act. HCFA will also furnish carriers with instructions for educating participating physicians and suppliers' offices in the proper completion of claims. Minimum requirements for executing transfer agreements between carriers and Medigap insurers and setting the user fees charged for routine transmittal will also be manualized. Lastly, through the Office of Inspector General, HCFA will authorize audits to ensure that user fees are reasonable and reflect actual costs of keying and transmitting notices.

#### III. Regulatory Impact Statement

##### A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a

regulatory impact analysis for any notice that has the effect of a rule that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of \$100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We have determined that this general notice does not meet the criteria for a major rule under E.O. 12291. Therefore, we have not prepared a regulatory impact analysis.

##### B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 through 612) unless the Secretary certifies that a rule or notice will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, only rules that meet the definition of a rule specified at 5 U.S.C. 553 are subject to the provisions of the RFA.

We have determined that this general notice will not have a significant impact on a substantial number of small entities. For this reason, we have not prepared a regulatory flexibility analysis.

Section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a notice of proposed rulemaking may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For the purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside of a Metropolitan Statistical Area. We are not preparing a rural impact statement since we have determined that this general notice will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

#### IV. Information Collection Requirements

The following information collection requirements are contained in this general notice and are subject to Office of Management and Budget (OMB)



review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*):

- The requirements in parts II.A and II.C that the physician or supplier provide additional information to the carrier, that is, the supplemental insurer's name and mailing address, the enrollee's identifying number, and evidence of a properly exercised assignment;

- The required content of the Medigap insurance cards specified in parts II.B and II.D;

- The requirement in part II.D that the Medigap insurer notify the physician or supplier and the beneficiary of the payment determination.

These paperwork collection requirements have been cleared along with those for HCFA Pub. 14-3, section 4700-4708. The clearance number is 0938-\_\_\_\_\_.

**Authority:**

Sec. 1842(h)(3) of the Social Security Act (42 U.S.C. 1395u(h)(3)).

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: April 30, 1990.

Note: This document was received by the Office of the Federal Register November 16, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90-27392 Filed 11-20-90; 8:45 am]

BILLING CODE 4120-01-M

## National Institutes of Health

### National Heart, Lung, and Blood Institute; Meeting of Heart, Lung, and Blood Research Review Committee A

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on November 29-30, 1990 in building 31, Conference room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on November 29, 1990 from 9 a.m. to approximately 10 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 29, 1990, from approximately

10 a.m. until adjournment on November 30 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236 will provide a summary of the meeting and a roster of the committee members.

Dr. Alfred Small, Executive Secretary, Heart, Lung, and Blood Research Review Committee A Westwood Building, room 552, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Dated: November 7, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-27491 Filed 11-20-90; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Environmental Health Sciences; Meeting of Environmental Health Sciences Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on November 27-28, in building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina. The meeting will be open to the public on November 27 from 9 a.m. to approximately 2 p.m. for general discussion. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 27, from 2 p.m. to adjournment on November 28, for the review, discussion and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with

the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun, Carol Shreffler or Donald McRee, Executive Secretaries, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated November 7, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH

[FR Doc. 90-27492 Filed 11-20-90; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Alaska Outer Continental Shelf; Notice of Availability and Proposed Notice of Sale

Alaska Outer Continental Shelf (OCS); Notice of Availability of Proposed Notice of Sale, Beaufort Sea Planning Area, Oil and Gas Lease Sale 124.

With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed Notice of Sale.

The proposed Notice of Sale for Sale 124, Beaufort Sea Planning Area, may be obtained by written request to the Alaska OCS Region, Minerals Management Service, 949 East 36th Avenue, room 544, Anchorage, Alaska 99508-4302, telephone (907) 261-4691.

The final Notice of Sale will be published in the **Federal Register** at least 30 days prior to the date of the bid opening. The bid opening is scheduled for April 1991; however, due to the requirements of the recently enacted Coastal Zone Act Reauthorization Amendments, bid opening may be delayed.

This Notice of Availability is hereby published, pursuant to 30 CFR 256.29(c), as a matter of information to the public.



Dated: November 15, 1990.

Barry Williamson,

Director, Minerals Management Service.

[FR Doc. 90-27366 Filed 11-20-90; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### Urban Park and Recreation Recovery Program

**AGENCY:** National Park Service, U.S. Dept. of the Interior.

**ACTION:** Notice of FY-1991 Grant Round—UPARR Rehabilitation grants.

**SUMMARY:** This notice announces the availability of grant funds under the Rehabilitation phase of the Urban Park and Recreation Recovery Program (UPARR) and provides information on the application process including eligible recipients and deadlines for submission of proposals.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sam L. Hall, Chief, Recreation Grants Division, National Park Service, Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127; (202) 343-3700.

**SUPPLEMENTARY INFORMATION:** For Fiscal Year 1991, Congress has appropriated \$19,895,000 for the funding of Rehabilitation projects under the Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95-625). Grants will be limited to \$250,000 per recipient. The tentative cut-off date for the submission of preapplications to NPS Regional Offices is February 8, 1991.

Rehabilitation grants will be targeted to rehabilitate existing neighborhood areas and facilities which have deteriorated to the point where health and safety are endangered or the community's range of quality recreation service is impaired. Proposals must be designed to provide recreation services for residents within a specified area identified by the applicant. Proposals may identify improvements at multiple sites or facilities, each of which must be individually addressed. Grants may be used to remodel, rebuild, expand, or develop existing outdoor or indoor recreation areas and facilities.

**Eligible Jurisdictions:** Eligible urban jurisdictions as listed in 36 CFR part 72, appendix B and which have an approved Recovery Action Program (RAP) on file with NPS will be eligible to compete for Rehabilitation grant funds. Additional urban jurisdictions having an approved RAP and meeting the criteria for eligibility described in 36 CFR part 72, appendix A may also compete. All projects must be in accord with the

priorities outlined in the Approved RAPs.

**Grant Implementation and Timing:** Grantees must comply with all applicable Federal laws and regulations for the UPARR program, which includes completion of a final grant agreement within 120 days of the grant offer.

**Preapplication Requirements:** Local Chief Executives applying for UPARR grants will be required to certify, in the preapplication, that the grantee has matching funds available and that it will comply with all requirements of the UPARR program. Applicants must certify that they have adequate control and tenure over properties to be assisted through UPARR and must identify in their applications the type of control they have over those properties. Additional requirements are outlined in the UPARR Preapplication Handbook available from the Regional Offices of NPS.

**Matching Requirements:** UPARR — Rehabilitation grants are awarded on a 70/30 (Federal/local) matching basis. As an incentive for State involvement in the program, the Federal government will match, dollar for dollar, State contributions to the local share of the total project cost, up to 15 percent of the approved grant. The Federal share is limited to 85 percent of the approved grant cost.

**Pass-Through Funding:** At the discretion of the applicant jurisdiction, Rehabilitation grants may be transferred, in whole or in part, to independent general or special purpose local governments, private nonprofit agencies or community groups, and county or regional park authorities that provide recreation opportunities to the general population within the jurisdictional boundaries of the applicant jurisdiction. In such situations, the applicant jurisdiction will bear full legal responsibility and liability for passed-through funds.

**Post-Completion Requirements:** In accordance with Section 1010 of the UPARR Act of 1978, assisted properties may not be converted to other than public recreation use without the approval of NPS and the replacement of the converted site or facility with one of reasonably equivalent usefulness and location.

**FOR FURTHER INFORMATION:** Interested jurisdictions should consult their NPS Regional Office for further information including grant round schedule dates and for technical assistance in applying for funding. The NPS Regional Offices are listed below:

#### Mid-Atlantic:

Regional Director,  
NPS, 143 S. 3rd  
Street,  
Philadelphia, PA  
19106, 215-597-  
7995.

CT, DC, DE, MA,  
MD, ME, NH, NJ,  
NY, PA, RI, VA,  
VT, WV.

#### Mid-West:

Regional Director,  
NPS, 210 S. 16th  
Street, Omaha, NE  
68102, 402-221-  
3202.

IA, IL, IN, KS, MI,  
NM, MO, NE,  
OH, WI.

#### Pacific Northwest:

Regional Director,  
NPS, 83 S. King  
Street, Suite 212,  
Seattle, WA  
98104, 206-442-  
4720.

AK, ID, OR, WA.

#### Rocky Mountain:

Regional Director,  
NPS, P.O. Box  
25287, Denver, CO  
80225, 303-969-  
2850.

CO, MT, ND, SD,  
UT, WY.

#### Southeast:

Regional Director,  
NPS, 75 Spring  
Street, 10th Fl.,  
Atlanta, GA  
30303, 404-331-  
2610.

AL, FL, GA, KY,  
MS, NC, PR, SC,  
TN, VI.

#### Southwest:

Regional Director,  
NPS, P.O. Box 728,  
Santa Fe, NM  
87501, 505-988-  
6705.

AR, LA, NM, OK,  
TX.

#### Western:

Regional Director,  
NPS, 450 Golden  
Gate Avenue, Box  
36063, San  
Francisco, CA  
94102, 415-556-  
8360.

AS, AZ, CA, GU,  
HI, NV, CM.

(Catalog of Federal Domestic Assistance #15.919)

Authority: Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2501-2514.

Dated: November 14, 1990.

Herbert S. Cables, Jr.,

Acting Director, National Park Service.

[FR Doc. 90-27435 Filed 11-20-90; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-318]

### Initial Determination Terminating Respondents on the Basis of Settlement Agreement

In the matter of Certain Anti-Knock Ignition Systems and Automobiles or Automobiles Components Parts Containing Same.



**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: AB Volvo/Volvo Car Corporation and Volvo North America Corporation.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. §1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on November 13, 1990.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

**WRITTEN COMMENTS:** Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436 no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-252-1805.

Issued: November 13, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-27421 Filed 11-20-90; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-293]

#### Determination Granting in Part Petition for Return of Bonds Posted Pursuant to Temporary Cease and Desist Order

In the Matter of Certain Crystalline Cefadroxil Monohydrate.

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Commission has determined to grant in part a petition for return of bonds that were posted pursuant to a temporary cease and desist order issued in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Marc A. Bernstein, Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1087.

**SUPPLEMENTARY INFORMATION:** The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), as amended by the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418 (Aug. 23, 1988), and § 210.58 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.58).

On January 10, 1990, the Commission issued a temporary cease and desist order against respondent Biocraft Laboratories, Inc. ("Biocraft") in this investigation. That order required, *inter alia*, that Biocraft post a bond with the Commission in order to sell during its effective period crystalline cefadroxil monohydrate that it imported prior to January 10, 1990. Biocraft submitted two bonds to the Commission pursuant to that order.

On March 15, 1990, the Commission concluded this investigation by determining that a violation of section 337 existed and by issuing a limited exclusion order and permanent cease and desist orders, including a cease and desist order against Biocraft. The Commission determined that U.S. Letters Patent 4,504,657 ("the '657 patent"), owned by complainant Bristol-Myers Squibb Co. ("Bristol") was valid, enforceable, and had been infringed by Biocraft. Because the President did not disapprove the Commission's orders on permanent relief within the 60-day period specified in section 337(j), they became final on May 14, 1990. Biocraft did not appeal these orders.

On March 29, 1990, Bristol and Biocraft entered an agreement settling ongoing patent infringement litigation before a United States District Court concerning the '657 patent. The agreement purports to settle all disputes between Bristol and Biocraft concerning the validity and enforceability of the '657 patent.

On April 23, 1990, Biocraft filed a petition requesting that the Commission return the bonds it posted pursuant to the temporary cease and desist order in light of its settlement agreement with Bristol. Bristol, satisfying a requirement imposed upon it by the settlement agreement, filed a separate submission indicating that it joined Biocraft's request. The Commission investigative attorney opposed the request.

The Commission has determined to grant Biocraft's petition in part. It will return or cancel that portion of Biocraft's bonds reflecting (1) excess bond that Biocraft has posted and (2) product for which Biocraft posted bond that was subsequently repurchased by Biocraft and transferred to complainant Bristol. The Commission has determined, however, not to modify the temporary cease and desist order to authorize return of all bonds that Biocraft posted. It will therefore demand performance of that portion of Biocraft's bond that is not being returned or cancelled.

Copies of the petition, the Commission order and opinion issued in connection therewith, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

Issued: November 14, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-27419 Filed 11-20-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-302 (Final) and 731-TA-454 (Final)]

#### Fresh and Chilled Atlantic Salmon From Norway

**AGENCY:** International Trade Commission.



**ACTION:** Revised schedule for the subject investigations.

**EFFECTIVE DATE:** October 29, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Rebecca Woodings (202-252-1192), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

**SUPPLEMENTARY INFORMATION:** Effective June 26, 1990 and October 1, 1990, respectively, the Commission instituted the subject investigations and, effective October 1, 1990, the Commission established a schedule for their conduct (55 FR 31246, August 1, 1990 and 55 FR 45867, October 31, 1990 respectively). Subsequently, the Department of Commerce revised the date for its final determinations in the investigations from February 8, 1991 to February 15, 1991. The Commission, therefore, is revising its schedule in the investigations to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than February 8, 1991; the prehearing conference will be held at the U.S. International Trade Commission Building on February 13, 1991; the prehearing staff report will be placed in the nonpublic record on January 31, 1991; the deadline for filing prehearing briefs is February 12, 1991 (nonbusiness proprietary version due February 13, 1991); the hearing will be held at the U.S. International Trade Commission Building on February 19, 1991; the deadline for filing posthearing briefs is February 25, 1991 (nonbusiness proprietary version due February 26, 1991), and the deadline for Parties to file additional written comments on business proprietary information is March 4, 1991 (nonbusiness proprietary version due March 5, 1991).

For further information concerning these investigations see the Commission's notices of investigation cited above and the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

**Authority:** These investigations are being conducted under authority of the Tariff Act of

1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: November 13, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-27422 Filed 11-20-90; 8:45 am]

BILLING CODE 7020-02-M

**Industrial Phosphoric Acid From Israel; Request for Comments Concerning the Institution of a Section 751(b) Review Investigation**

**AGENCY:** United States International Trade Commission.

**ACTION:** Request for comments regarding the institution of a review investigation concerning the Commission's affirmative determinations in investigations Nos. 701-TA-286 (Final) and 731-TA-366 (Final), industrial phosphoric acid from Israel.

**SUMMARY:** The Commission hereby invites comments from the public on whether changed circumstances exist sufficient to warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the act) to review its determinations in investigations Nos. 701-TA-286 (Final) and 731-TA-366 (Final), industrial phosphoric acid from Israel. The purpose of the review investigation would be to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of industrial phosphoric acid from Israel if the countervailing and antidumping duty orders regarding such merchandise were to be modified or revoked. Industrial phosphoric acid is provided for in subheading 2809.20.00 of the Harmonized Tariff Schedule of the United States. As provided in § 207.45(b) of the Commission's Rules of Practice and Procedure (19 CFR 207.45(b)), the 30-day period for comment on the question of whether the Commission should institute a review investigation begins on the date of publication of this notice in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Tedford Briggs (202-252-1181), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments

who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 7, 1987, the Department of Commerce determined that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) were being provided to manufacturers, producers, or exporters in Israel of industrial phosphoric acid (52 FR 25447); and July 7, 1987, the Department of Commerce determined that imports of industrial phosphoric acid from Israel are being sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the act (19 U.S.C. 1673) (52 FR 25440); and on August 12, 1987, the Commission determined,<sup>1</sup> pursuant to sections 705(b) and 735(b) of the act (19 U.S.C. 1671d(b) and 1673d(b)), that an industry in the United States was materially injured by reason of imports of such subsidized and dumped merchandise (52 FR 31095, August 19, 1987). Accordingly, Commerce ordered that countervailing and antidumping duties be imposed on such imports (52 FR 31057, August 19, 1987).

On November 1, 1990, the Commission received a request to review its affirmative determinations in investigations Nos. 701-TA-286 (Final) and 731-TA-366 (Final) pursuant to section 751(b) of the act (19 U.S.C. 1675(b)). The request was filed by counsel on behalf of Negev Phosphates Ltd., Yeruham, Israel, a producer of industrial phosphoric acid in Israel.

**Written Comments Requested**

Pursuant to § 207.45(b)(2) of the Commission's Rules of Practice and Procedure (19 CFR 207.45(b)(2)), the Commission requests comments concerning whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation:

(1) A new 120,000 metric-ton-per-year capacity (100% P<sub>2</sub>O<sub>5</sub> basis) industrial phosphoric acid (IPA) plant was opened in March 1990, at Aurora, NC. The plant incorporates novel technology never before used in the United States; that is, the purified wet-process method. This methodology has been utilized for several years by Israeli and other exporters of IPA but was not previously used by U.S. producers. The development and start-up of the plant

<sup>1</sup> Former Chairman Liebel and Vice Chairman Brunsdale dissenting.



are significant not only because of the significant increased capacity but also because, at the time of the Commission investigations, all domestic IPA was produced using the "thermal" method, rather than the purified wet process.

The project also represents a significant changed circumstance in that, for the first time, agricultural phosphoric acid (agacid) producers have entered into a venture with IPA producers. At the time of the original investigation, the Commission found no relationship between agacid producers and IPA producers. In addition, witnesses for the domestic industry testified that it was impractical and cost inefficient to synthesize IPA from agacid, which is produced by the wet process method. With the technology newly introduced into the domestic industry, the venture is capable of producing IPA at lower costs than those incurred by some who still produce using the traditional thermal method.

(2) An 80,000 metric-ton-per-year capacity (100%  $P_2O_5$  basis) plant, also using the more cost-efficient purified wet process method, is being built at Geismar, LA, by Rhone-Poulenc, a diversified French company, which produces IPA and which invested in the United States subsequent to the antidumping and countervailing duty investigations by acquiring the Stuffer Chemical Company, a member of the domestic industry.

(3) The U.S. industry has been restructured since the investigations, in part, due to the new production mentioned above as well as a tightening in supply of elemental phosphorus, the basic raw material used in the production of IPA by the thermal method. These factors have resulted in a more cost efficient industry.

(4) Societe Chimique Prayon-Rupel (Prayon), the Belgian exporter of IPA which was also subject to the original IPA investigations by the Commission, ceased its exports to the United States in 1988. The decision by Prayon to abandon the U.S. market was primarily the result of failed negotiations between Prayon and a domestic company to establish an IPA plant in the United States.

(5) In the Omnibus Trade and Competitiveness Act of 1988 (1988 Act), Congress passed certain provisions to permit the Commission not to cumulate imports from Israel in countervailing and antidumping duty investigations and to allow the exclusion of negligible imports from cumulation. Since Prayon has withdrawn from the U.S. market, Israel, which has never reached even a one percent share of the IPA market, is the sole supplying country subject to

countervailing and dumping duties for imported IPA.

#### Written Submissions

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

**Authority:** This notice is published pursuant to § 207.45 of the Commission's rules (19 CFR 207.45).

By order of the Commission.

Issued: November 15, 1990.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 90-27423 Filed 11-20-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-313]

#### Commission Determination not to Review Initial Determination Terminating Investigation on the Basis of a Consent Order

In the Matter of Certain Process, Apparatus, and Components thereof, for the Production of Spunbond Nonwoven Fabric, and Fabric Made Therefrom.

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) in the above-captioned investigation terminating the investigation on the basis of a consent order.

**FOR FURTHER INFORMATION CONTACT:** Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1102.

**SUPPLEMENTARY INFORMATION:** On September 5, 1990, all of the private parties in the investigation filed a joint motion to terminate the investigation on the basis of a proposed consent order. On October 17, 1990, the presiding ALJ issued an ID (Order No. 9) terminating the investigation on the basis of the proposed consent order. No petitions for review of the ID or agency or public comments were filed. This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission interim rule 210.53(h), 19 CFR 210.53(h).

Copies of the consent order, the nonconfidential version of the ID, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

Issued: November 14, 1990.

By order of the Commission.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 90-27420 Filed 11-20-90; 8:45 am]

BILLING CODE 7020-02-M

#### DEPARTMENT OF LABOR

##### Employment Standards Administration

##### Patient Advocate Pilot Questionnaire—Physician Interview

**AGENCY:** Employment Standards Administration, Labor.

**ACTION:** Notice of expedited information collection clearance under the Paperwork Reduction Act.

**SUMMARY:** The Employment Standards Administration (ESA), U.S. Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR part 1320 (53 FR 16613, May 19, 1988)), is submitting a request for approval to the Office of Management and Budget for a pilot project for a claimant advocate program involving data gathering from physicians treating claimants who have filed injury claims under the Federal Employees' Compensation Act. The data is to be gathered via telephone survey of the physician or his/her representative.



Clearance is requested on a one-time basis.

**DATES:** ESA has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by December 14, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Comments and questions regarding the survey or reporting burden should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N1301, Washington, DC 20210 ((202) 523-6331). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395-6880). Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

*Average Burden Hours/Minutes per Response:* .33 hours.

*Frequency of Response:* (one time only).

*Number of Respondents:* 800.

*Annual Burden Hours:* 528.

*Affected Public:* Businesses or other for profit; small businesses or organization.

*Respondents Obligation to Reply:* (voluntary).

Signed at Washington, DC, this 14th of November 1990.

Paul E. Larson,

Departmental Clearance Officer.

**Supporting Statement**

1. The Office of Workers' Compensation Programs is piloting a patient advocate program which was developed by a task force that examined the characteristics of back injury claims filed under the Federal Employee's Compensation Act and made recommendations for improving injury outcome. Included in their recommendations was the use of a claimant advocate program that (1) assists the claimant and the claimant's physician to understand the claims process, (2) that encourages appropriate medical care through monitoring of professional services, and (3) that encourages the claimant to return to work when fit, including light duty or part time if appropriate during the recovery process. This activity is authorized under 5 USC 8103 and 8123, and under 20 CFR 10.410 and 10.104.

The physician questionnaire provides specific knowledge about individual claimants that is vital to the advocate to achieve program goals. Included are

factors for the predictor model developed by the task force to forecast claim outcome. When medically appropriate, claims forecast to become long-term disability cases are placed in specific claim management procedures that strive to alter the predicted unfavorable injury outcome.

2. The information collected is that required by the advocate to achieve program goals through specific knowledge about the claimant's medical treatment history, and it is also information that is required in whole or in part by the claims examiner to adjudicate and manage the claim. If the information is not collected, (1) the advocate has insufficient information to monitor the medical care of the injured employee, (2) the advocate cannot predict injury outcome and, therefore, cannot select the claimant for specialized management procedures, and (3) the claims examiner cannot plan adequately for special events in the claimant's treatment regimen such as surgery. In short, neither the pilot program nor the prediction model can be tested in the absence of this information.

3. Telephone interview was chosen as the collection method for this information because it is the most rapid response form for the treating physician (or his/her representative). The interview requests information that is recorded in the claimant's treatment chart, and can be readily extracted.

OWCP will use computer programs to analyze and evaluate pilot outcome measures.

4. The information requested during the telephone interview is that which the physician will have in the claimant's treatment records. Medical information already submitted by the treating physician will be reviewed prior to the telephone interview. If answers to any interview questions have already been submitted to the claims processing office by the physician, those questions will be completed prior to the interview and eliminated from the interview. This information is not available from another source.

5. Both the claimant advocate pilot and the prospective testing of the claim outcome predictor model have previously not been tested and for that reason there is no other source for this information. The predictor model has been examined retrospectively (overall correct classification rate is 90.0 percent), but its worth is dependent upon prospective use.

6. This telephone interview will affect physicians in clinical practice regardless of business arrangements. That is, physicians in single practice arrangements or those in large

associations will be treated the same. There are two telephone calls to each physician (or his/her representative) that request information from the claimant's treatment chart.

7. The claimant advocate pilot is based upon contact with the injured employee throughout a 12-week period that is critical to the recovery of many patients with orthopaedic back injuries. This 12-week period is timed to coincide with the usual transition from a normal recovery to one that may require extended medical care and result in prolonged disability. For those reasons, the time of the interviews with the treating physician is not very flexible. The advantage to the timing of the interviews is that they occur during a period when the claimant is under active care and the physician's treatment records are readily available for reference.

8. All of the information requested is that usually kept by the treating physician in the claimant's treatment records. No written reports are required. The majority of inquiries are dichotomous and do not require special search or record keeping efforts. The two phone calls to the physician occur during week one and week six of the 12-week advocate monitoring period. Although those two inquiries are only five weeks apart, they are spaced to match customary treatment periods and for that reason make response easier rather than more difficult for the physician (or his/her representative.)

9. The contents of this form and the data collection format was discussed in 1990 with experts in survey techniques, data collection, and statistics:

Francis J. Keefe, Ph.D., Associate Professor in Medical Psychology, Director, Pain Management Program, Department of Psychiatry, Behavioral Physiology Lab, Duke University Medical Center, Box 3926, Durham, North Carolina 27710, (919) 684-6212.

William Clarke, Ph.D., Department of Preventive Medicine, The University of Iowa, SB 2800, Iowa City, Iowa 52242, (319) 335-9619.

Michael J. Colligan, Ph.D., Dept of Health and Human Services, Public Health Services, CDC, National Institute of Occupational Safety and Health Chief, Direct Training Branch, Division of Training and Manpower Development, 4676 Columbia Parkway, Cincinnati, Ohio 45226, (513) 533-8225, FTS 8-684-8225.

Others consulted included physicians and allied health professionals. The data collected in these interviews is not available from another source at the time it is required for the patient advocate and the claims examiner to meet program goals. (Program goals are



set to improve injury outcome; especially the outcome of orthopaedic back injuries. Such injuries are among the most costly in the American work force as well as in other industrial nations.)

10. The information collected is placed in case files. All information in case files is protected under existing US DOL Privacy Provisions (29 CFR 70a).

11. There are no questions of a sensitive nature contained in the questionnaire.

12. The form was developed primarily by a GS-13 with review by the Medical Director (GS-15) and a program specialist (GS-13). Consultants were reimbursed under a contract for general services related to the project as a whole.

To develop the form with discussion and revisions required approximately 16 hours of labor by a GS-13 at \$24.48 hour; review and discussion: 4 hours by a GS-13 at 23.85 hour, 2.5 hours by a GS-15 at \$38.89 per hour (science pay rate), 2.5 hours by a GS-14 at approximately \$26.00. There are two consultant costs at approximately \$90.00 per hour for a total of four hours.

$\$24.48 \times 16 = \$391.68$

$\$23.85 \times 4 = \$95.40$

$\$38.89 \times 2.5 = \$97.23$

$\$26.00 \times 2.5 = \$65.00$

$\$90.00 \times 4 = \$360.00$

Total Developmental Costs = \$1009.31.

The phone calls will be made by contract medical staff charged to case management. Contract medical staff averages about \$32.50 per hour.

Approximately 528 hours will be required for the pilot.

$\$32.50 \times 528 = \$17,760.$

13. Since this is a pilot, it is not known what percentage of telephone inquiries will have a physical responding to the questionnaire, and what percentage will have a representative (such as a nurse or office staff) for the physician answer the questionnaire. If OWCP experience in obtaining medical treatment information from a physician for claims management is relevant, it is expected that a physician representative will supply the questionnaire information in most instances.

It is estimated that about 20 minutes will be required for the first interview. This includes a brief introduction and verification that the treating physician has received a one-page letter which explained the claimant advocate program, which stated the goals of the program, and which provided the physician with information that could be useful to him/her in processing claim information or billing. The second interview may be shorter than 20 minutes but it is expected that some time will be devoted to answering inquiries from the physician regarding his/her concerns about the claimant, about the claims process, about return to work issues, or about billing for services.

It is estimated that about 800 claimants will be required in the study group for a statistically valid sample set. This figure is based on studies completed to develop the disability predictor model. No phone calls will be made to physicians treating the control

group. The primary treating physician of each claimant in the study group (or the physician's representative) will receive two telephone interviews totalling about 40 minutes. This 40 minutes includes time for problem solving related to the physician's questions about disability claims processing, requirements for verification of the claimant's impairment, billing procedures and other claims related issues. All of the information requested from the physician is that which the claims examiner could require from the physician to verify the nature of the claimant's injury, to substantiate the degree of recovery, and/or to support reimbursement of services.

14. Since this is a new pilot study, there are no previous burden hours. It is expected, however, that the total burden hours experienced by the treating physician to report the claimant's condition and recovery status, may be reduced from that now required because of an anticipated better understanding of OWCP's needs to adjudicate appropriate compensation to the claimant. (Physicians' reports on CA-1303 and OWCP-5, approved through 9/30/91 under 1215-0103, may be prepared with greater attention to program requirements and, therefore, fewer additional inquiries by claims staff may be needed for clarification of issues). It is also expected that providers who understand OWCP's billing requirements will submit invoices that meet those needs and result in timely reimbursements.

15. This information will not be published for statistical use.

BILLING CODE 4510-27-M



+++++QUESTIONNAIRE FOR CLAIMANT ADVOCATE PILOT - NIOSH/DOL BACK PROJECT+++++

PHYSICIAN INTERVIEW

=====

1 ADVOCATE NAME \_\_\_\_\_

2 DISTRICT OFFICE \_\_\_\_\_

3 Claimant's name: \_\_\_\_\_

4 Case No. \_\_\_\_\_

5 Physician's Name \_\_\_\_\_

6 Specialty \_\_\_\_\_

7 Telephone No. \_\_\_\_\_

8 Have you treated this patient prior to this injury? \_\_\_\_\_

9 If this is a new patient, was it a referral? \_\_\_\_\_

10 Diagnosis of ICD-9 CODE \_\_\_\_\_ NOMENCLATURE \_\_\_\_\_

Claimant's Injury: \_\_\_\_\_

Physician's Street Address: \_\_\_\_\_

(MISSING VALUES ARE NOT ACCEPTABLE - ALL SOLID LINES MUST BE COMPLETED

:: To Complete Form Use: "Y" = yes, "N" = no, "X" = unknown/unstated:

:: "R" = refused, "N/A" Not applicable, "P" = physician,

:: "O" = other, "C" = continuous service

=====		CALL NO. 1 Date: _____	CALL NO. 2 Date: _____	SOURCE OF DATA
=====		(Since Day of Injury)	(Since Last Call to Physician)	=====
=====MEDICAL SERVICES PROVIDED:				
11 OFFICE VISIT - Within past 14 days	_____	_____	_____	_____
12 - Within next 14 days	_____	_____	_____	_____
13 RADIOLOGY - X-Ray; Back	_____	_____	Repeat?	_____
14 - CAT; Back	_____	_____	Repeat?	_____
15 - MRI; Back	_____	_____	Repeat?	_____
16 - Myelogram	_____	_____	Repeat?	_____
17 - Discogram	_____	_____	Repeat?	_____
18 - Electromyography	_____	_____	Repeat?	_____
19 - NOT Back; any Rad.	_____	_____	Repeat?	_____
20 PATHOLOGY - Hematology (Rheum etc.)	_____	_____	Repeat?	_____
21 - Other Path. Service	_____	_____	Repeat?	_____
22 HOSPITAL SERVICES - ANY IP/OP	_____	_____	Repeat?	_____
23 BED REST - Has been prescribed	_____	_____	Repeat?	_____
24 - Initial Rx - more than 3 days	_____	_____	Repeat?	_____
25 - Current Rx for bed rest	_____	_____	Repeat?	_____
26 PHYSICAL THERAPY - Prescribed	_____	_____	Repeat?	_____
27 - PT within 7 Days of injury	_____	_____	Repeat?	_____
28 - Patient is on PT now	_____	_____	Repeat?	_____
29 RX MED. - Ordered for back	_____	_____	Repeat?	_____
30 - Contains Narcotic	_____	_____	Repeat?	_____
31 - Pat. remains on Rx w/Narcotic	_____	_____	Repeat?	_____
32 - Pat. on Rx w/o Narcotic	_____	_____	Repeat?	_____
33 CONSULTANT SERVICES RECEIVED - ANY	_____	_____	Repeat?	_____
34 SURGERY FOR INJURY - Planned	_____	_____	Repeat?	_____



35	- Back Surgery Completed	_____	_____	_____
36	- Other Surgery Planned	_____	_____	_____
37	- Other Surgery Completed	_____	_____	_____
===WHAT ELSE HAVE YOU PRESCRIBED OR SUGGESTED AS TREATMENT FOR THIS BACK INJURY? (RECORD BUT DO NOT SUGGEST)				
38	BACK SUPPORT - Was Using	_____	_____	_____
39	- Using Now	_____	_____	_____
40	- Plan to Use	_____	_____	_____
41	TENS UNIT - Was Using	_____	_____	_____
42	- Using Now	_____	_____	_____
43	- Plan to Use	_____	_____	_____
44	PSYCHI/PSYCHO THERAPY - Was Receiving	_____	_____	_____
45	- Receiving Now	_____	_____	_____
46	- Planned	_____	_____	_____
47	BACK SCHOOL - Attended	_____	_____	_____
48	- Attending	_____	_____	_____
49	- Sched./Suggested	_____	_____	_____
50	WORK HARDENING - Attended	_____	_____	_____
51	- Attending	_____	_____	_____
52	- Sched./Suggested	_____	_____	_____
53	PAIN CLINIC - Attended	_____	_____	_____
54	- Attending	_____	_____	_____
55	- Sched./Suggested	_____	_____	_____
56	OTHER	_____	_____	_____
===RETURN TO WORK (THIS SECTION MUST BE COMPLETED)				
57	Expect patient to return to work?	_____	_____	_____
58	Patient ready for Regular Duty?	_____	_____	_____
59	Patient ready for Light Duty?	_____	_____	_____
60	Patient ready for Other Duty?	_____	_____	_____
61	Can the patient do any work now?	_____	_____	_____
62	Expected "Return to Work" date	_____	_____	_____
63	Other	_____	_____	_____

PHYSICIAN'S NAME: \_\_\_\_\_ CLAIMANT'S NAME: \_\_\_\_\_

ADDITIONAL COMMENTS:

NO. OF CONTACTS  
TO COMPLETE: \_\_\_\_\_

LENGTH OF CALL: \_\_\_\_\_

CALL NO. ONE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Week No. 1)



NO. OF CONTACTS  
TO COMPLETE:

LENGTH OF CALL:

CALL NO. TWO:  
(Week No. 6) DATE:[FR Doc. 90-27379 Filed 11-20-90; 8:45 am]  
BILLING CODE 4510-27-C



**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (90-99)]

**NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Astrophysics Subcommittee; Meeting****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Astrophysics Subcommittee.**DATES:** December 13, 1990, 9 a.m. to 4:15 p.m.**ADDRESSES:** The Capitol Hill Hotel, 200 C St. SE., Washington, DC 20003.**FOR FURTHER INFORMATION CONTACT:** Ms. Lia LaPiana, Code SZ, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1544).**SUPPLEMENTARY INFORMATION:** The Space Science and Applications Advisory Committee (SSAAC) consults with and advises the NASA Office of Space Science and Applications (OSSA) on long-range plans for, work in progress on, and accomplishments of NASA's Space Science and Applications programs. The Astrophysics Subcommittee provides advice to the Astrophysics Division and to the SSAAC on operation of the Astrophysics Program and on the formulation and implementation of the Astrophysics research strategy. The Subcommittee will meet to discuss the Astrophysics program, current status for fiscal year 1991 and new initiatives. The Subcommittee is chaired by Dr. Irwin Shapiro and is composed of 29 members. The meeting will be open to the public up to the capacity of the room (approximately 50 people including Subcommittee members). It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.*Type of Meeting:* Open.**Agenda:**

Thursday, December 13

9 a.m.—Introduction, Current Status of Astrophysics Program, and Fiscal Year 1991 Budget.

10:15 a.m.—Hubble Servicing Mission.

11:15 a.m.—Explorers Program.

1 p.m.—New Initiatives.

3 p.m.—Discussion of Future Meeting Planning.

4:15 p.m.—Adjourn.

Dated: November 14, 1990.

John W. Gaff,

Advisory Committee Management Officer,  
National Aeronautics and Space Administration.

[FR Doc. 90-27376 Filed 11-20-90; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****Humanities Panel Meeting****AGENCY:** National Endowment for the Humanities.**ACTION:** Notice of meetings.**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:**FOR FURTHER INFORMATION CONTACT:** Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.1. *Date:* December 14, 1990.*Time:* 8:30 a.m. to 5 p.m.*Room:* 315.*Program:* This meeting will review Reference.*Materials:* Tools and Access applications in American Studies, submitted to the Division of Research

Programs, for projects beginning after July 1, 1991.

2. *Date:* December 17, 1990.*Time:* 8:30 a.m. to 5 p.m.*Room:* 315.*Program:* This meeting will review Reference.*Materials:* Tools and Access applications in Linguistics, submitted to the Division of Research Programs, for projects beginning after July 1, 1991.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 90-27413 Filed 11-20-90; 8:45 am]

BILLING CODE 7536-01-M

**NATIONAL SCIENCE FOUNDATION****Notice of Permit Application Received Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit application received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of each permit application received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of a permit application received.**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 21, 1990. The permit application may be inspected by interested parties at the Permit Office, address below.**ADDRESSES:** Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers at the above address or (202) 357-7934.**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as



requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The application received is as follows:

#### *Applicant 90-35*

J. Ward Testa, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99775.

#### *Activity for which permit requested*

Taking. Import into USA. Enter Site of Special Scientific Interest. The applicant is participating in a study of Weddell Seal populations and proposes to collect blood samples for genetic analysis. The seal population at White Island is of special interest because of its geographic isolation and purported genetic isolation. Blood samples would be returned to the University of Alaska for archive storage.

#### *Location*

Site of Special Scientific Interest No. 18, White Island, McMurdo Sound.

#### *Dates*

January 1991–December 1991.

Charles Myers,

Permit Office.

[FR Doc. 90-27347 Filed 11-20-90; 8:45 am]

BILLING CODE 7555-01-M

#### **Advisory Panel of Applications for Advanced Technologies; Meeting**

The National Science Foundation announces the following meeting:

*Name:* Advisory Panel for the Applications of Advanced Technologies, Science and Engineering Education.

*Date and Time:* Saturday, December 8, 1990 from 8 a.m. to 5 p.m.

*Place:* Boston University, 881 Commonwealth Avenue, Boston, MA 02215.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Andrew R. Molnar, Applications for Advanced Technologies, room 635A, Washington, DC 20550, Phone: (202) 357-7064.

*Purpose of Meeting:* To provide advice and recommendations concerning support for research.

*Agenda:* To review and evaluate research proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and

(6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90-27431 Filed 11-20-90; 8:45 am]

BILLING CODE 7555-01-M

#### **NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-277 and 50-278]

#### **Philadelphia Electric Co., et al.; Environmental Assessment and Finding of No Significant Impact**

In the Matter of Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, Atlantic City Electric Company

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR part 50, appendix J, to the Philadelphia Electric Company, et al. (the licensee) for the Peach Bottom Atomic Power Station, Units 2 and 3 located at the licensee's site in York County, Pennsylvania.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would grant relief from sections II.H.4 and III.C.2 of appendix J which require leak rate testing of the main steam isolation valves (MSIVs) at the peak calculated containment pressure related to the design basis accident and sections II.H.1 and III.C of appendix J which require Type C local leak rate testing on the Traversing In-Core Probe (TIP) system shear valves.

##### *The Need for the Proposed Action*

Each main steam line is provided with two globe type MSIVs that are angled in order to afford better sealing in the direction of the post-accident pressure. The orientation of the inboard MSIV is such that testing the valve in the reverse direction tends to unseat the valve disc. Testing of the inboard and outboard MSIVs by pressurizing the volume between the valves at the full test pressure of Pa, the calculated peak containment internal pressure related to the design basis accident, would lift the disc of the inboard valve, resulting in excessive leakage to the reactor vessel and in a meaningless test. The licensee proposed to test the MSIVs at a reduced test pressure of 25 psig, about one-half of the peak post-accident pressure, to avoid lifting the disc of the inboard valve.

Each of the five TIP guide tubes is equipped with two isolation valves, a ball valve that provides the primary means of containment isolation, and a shear valve that cuts the cable and isolates the guide tube in the event that isolation is required and the drive cable can not be withdrawn. The shear valve is an explosive-type valve, direct current-operated, with monitoring of each actuating circuit provided. The ball valve is Type C tested in accordance with appendix J. It is impractical to test the shear valves since they require testing to destruction. In lieu of leak testing and ultimate destruction of the shear valves, the licensee proposed to perform periodic checks of the functional capability of the TIP shear valves.

#### **Environmental Impacts of the Proposed Action**

The man steam system design in most operating boiling water power reactor plants, including Peach Bottom, necessitates leak testing of the MSIVs by pressurizing the pipes between the inboard and outboard valves resulting in test pressure acting on the inboard valve in the direction opposite to accident pressure. The MSIVs are angled in the main steam lines in the direction of flow to afford better sealing upon closure. Consideration of this feature was included at the design stage of the facility when the original test pressure of 25 psig was established. The licensee proposed to test the MSIVs at a test pressure of 25 psig to avoid listing the inboard valve disc. The total observed leakage through both the inboard and outboard valves is then conservatively assigned to the penetration. Testing of the MSIVs at a reduced pressure of 25 psig will result in a conservative determination of the leakage rate through the MSIVs. Testing at the proposed reduced pressure will provide an equivalent level of protection as that provided by the testing requirements of section III.C.2. The underlying purpose of the requirements of sections II.H.4 and III.C.2 is to ensure the integrity of the primary containment and its penetrations and to assure that primary containment leakage is within acceptable limits during plant operation. Since that purpose will be served by the testing of the MSIVs at a reduced pressure of 25 psig, testing of the MSIVs at the full test pressure of Pa is unnecessary.

The measured leakage rate for any one main steam line through the MSIVs is limited to a maximum pathway leakage of 11.5 SCFH as specified in the facility TS. As stated above, the MSIVs



in some boiling water reactor (BWR) plants are angled in the main steam lines in order to afford better sealing in the direction of accident pressure. This condition was considered when the test pressure of 25 psig was initially established for the MSIVs of many BWRs. Subsequently, industry experience in testing these valves at a pressure of 25 psig and with an acceptance criterion of 11.5 SCFH has been shown to be effective in determining the condition of these valves.

In lieu of leak testing and ultimate destruction of the TIP shear valves, the licensee committed to the following actions to ensure the shear valves will perform their intended function: (1) Verification of the continuity of the explosive charge circuit which is monitored by an alarm in the control room; (2) Initiation of one explosive squib charge at least once per operating cycle with the replacement charge for the explosive valve to be taken from the same manufactured batch as the one fired or from another batch that has been certified by having one of that batch successfully fired; and (3) Replacement of all explosive charges in accordance with the manufacturer's recommended lifetime. The periodic checks of the functional capability of the TIP shear valves provide an equivalent level of protection as that provided by the actual local leak rate testing and consequent destruction of the TIP shear valves, given the fact that the shear valves will be used only when the TIP cable fails to withdraw or the ball valve fails to close. The underlying purpose of the requirements of sections II.H.1 and III.C is to demonstrate by periodic testing that the primary reactor containment will be able to perform its function of providing a leak tight barrier against the uncontrolled release of radioactivity to the environment. Since that purpose will be served by the periodic checks of the functional capability of the TIP shear valves, leak testing and ultimate destruction of the shear valves is unnecessary.

As discussed above, the underlying purpose of the requirements of appendix J will be served with the proposed exemption. Consequently, the proposed exemption will not increase the probability or consequences of any reactor accidents. In addition, the proposed exemption will not result in increased occupational exposures. The proposed exemption does not affect plant nonradiological effluents and will have no other environmental impact. Therefore, the Commission concludes that this proposed action would result in

no significant radiological or nonradiological environmental impact.

#### *Alternative to the Proposed Action*

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the requirements of appendix J discussed above. Such action would not enhance the protection of the environment and would result in unjustified costs for the licensee.

#### *Alternative Use of Resources*

This proposed action does not involve the use of resources not considered previously in the Final Environmental Statement related to the operation of Peach Bottom Atomic Power Station, Units 2 and 3.

#### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### *Finding of no Significant Impact*

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated April 21 and June 23, 1988. These letters are available for public inspection at the Commission's Public Document room, Gelman Building, Lower Level, 2120 L Street NW., Washington, DC and at the State Library of Pennsylvania, Government Publications section, Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 13th day of November 1990.

For the Nuclear Regulatory Commission.  
Walter R. Butler,

Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-27385 Filed 11-20-90; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings**

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been postponed or cancelled since the last list of proposed meetings published October 17, 1990 (55 FR 42088). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACRS meetings designated by an asterisk (\*) will be open in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the December 1990 ACRS and ACNW full Committee meetings can be obtained by a prepared telephone call to the Office of the Executive Director of the Committees (telephone: 301/492-4600 (recording) or 301/492-7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

#### **ACRS Subcommittee Meetings**

*Improved Light Water Reactors*, December 4, 1990, Bethesda, MD. The Subcommittee will review SECY-90-377 regarding the level of design detail.

*Joint Containment Systems and Structural Engineering*, December 5, 1990, Bethesda, MD. The Subcommittees will discuss containment design criteria for future plants.

*FTOL Conversions*, December 5, 1990, Bethesda, MD. The Subcommittee will discuss the FTOL conversion for the Palisades nuclear plant.

*Thermal Hydraulic Phenomena*, December 12, 1990, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. The Subcommittee will discuss the status of the NRC staff's program on interfacing



systems loss-of-coolant accident (ISLOCA).

*Auxiliary and Secondary Systems*, January 17, 1991, Bethesda, MD. The Subcommittee will discuss matters concerning fire protection and mitigation in nuclear power plants.

*Joint Computers in Nuclear Power Plant Operations and Instrumentation and Control Systems*, February 6, 1991, Bethesda, MD. The Subcommittee will discuss the use of computers and solid-state control logic in nuclear power plant operations.

*Improved Light Water Reactors*, Date to be determined (January), Bethesda, MD. The Subcommittee will review the EPRI ALWR Requirements Document (Roll-up) for the Evolutionary Designs.

*TVA Plant Licensing and Restart*, Date to be determined (mid-late January 1991), Huntsville, AL. The Subcommittee will review the planned restart of Browns Ferry Unit 2.

*Joint Plant Operations and Probabilistic Risk Assessment*, Date to be determined Bethesda, MD. The Subcommittees will begin review of the NRC staff's Action Plan to evaluate the risk from nuclear power plant shutdown operations.

*Defueling/Fuel Pool Storage*, Date to be determined, Bethesda, MD. The Subcommittee will discuss the proposed standard review plan for reviewing safety analysis reports for dry metallic spent fuel storage casks.

*Materials and Metallurgy*, Date to be determined, Bethesda, MD. The Subcommittee will review the proposed resolution of Generic Issue 29, "Bolting Degradation or Failure in Nuclear Power Plants."

*Joint Thermal Hydraulic Phenomena and Core Performance*, Date to be determined, Bethesda, MD. The Subcommittees will continue their review of the issues pertaining to BWR core power stability.

*Joint Regulatory Activities and Containment Systems*, Date to be determined, Bethesda, MD. The Subcommittees will review the proposed final revision to appendix J to 10 CFR part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," and an associated Regulatory Guide.

*Severe Accidents*, Date to be determined, Bethesda, MD. The Subcommittee will discuss elements of the Severe Accident Research Program (SARP).

*Joint Advanced Boiling Water Reactors and Advanced Pressurized Water Reactors*, Date to be determined, Bethesda, MD. The Subcommittee will perform a comparison between the Licensing Review Basis documents for

the GE/ABWR and CE/Systems 80+ designs.

#### ACRS Full Committee Meetings

*368th ACRS Meeting*, December 6-8, 1990, Bethesda, MD. Items are tentatively scheduled.

\*A. *Reactor Operating Experience (Open)*—Briefing by representatives of the NRC staff regarding experience gained from reactor operations including problems with the operability of safety systems resulting from egress of noncondensable gas, a loss of AC power event at the Brunswick plant, and a malfunction of the feedwater regulatory system and subsequent failure of the RCIC at the Pilgrim plant.

\*B. *Containment Design Criteria (Open)*—Discussion of proposed ACRS report to the NRC on containment design criteria for future nuclear plants.

\*C. *High-Level Radioactive Waste Disposal (Open)*—Briefing by a representative of the Board on Radioactive Waste Management of the National Research Council regarding the National Academy of Sciences/National Research Council report on "Rethinking High-Level Waste Disposal."

\*D. *Safety Research (Open)*—Briefing by and discussion with representatives of the NRC staff regarding the research program on direct containment heating.

\*E. *Certification of Standard Designs—Level of Design Detail (Open)*—Discussion with NRC staff representatives regarding proposed requirements for the level of design detail required for certification of standardized plant designs.

Representatives of the nuclear industry will participate, as appropriate.

\*F. *Full Term Operating Licenses for the Palisades Nuclear Plant and the Dresden Unit 2 Nuclear Station (Open/Closed)*—Review of proposed conversion of provisional operational licenses to full term operating licenses for these plants. Representatives of the NRC staff and the licenses will participate, as appropriate. Portions of this session will be closed as necessary to discuss Proprietary and Safeguards information applicable to these plants.

\*G. *Standard Technical Specifications (Open)*—Briefing by representatives of the NRC staff regarding the status of the program to develop standardized technical specifications for nuclear power plants.

\*H. *Certification Requirements for APWRs (Open)*—Discuss proposed ACRS report on certification requirements for evolutionary light-water reactors and their relationship to current regulatory requirements.

\*I. *Westinghouse Standard Plant SP/90 (Open)*—Discuss a proposed report

on the proposed preliminary design approval for the Westinghouse standard plant SP/90. Representatives of the NRC staff and the Westinghouse Electric Corporation will participate, as appropriate.

\*J. *ACRS Subcommittee Activities (Open)*—Hear and discuss reports of assigned ACRS subcommittee activities, as appropriate.

\*K. *ACRS Management/Administration (Open/Closed)*—Members will discuss anticipated subcommittee activities and items proposed for consideration by the full Committee, qualifications of candidates proposed for appointment to the Committee, election of officers for CY 1991, and administrative matters as appropriate.

Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

\*L. *Miscellaneous (Open)*—The Committee will discuss matters which were not completed at previous meetings as time and availability of information permit.

\*M. *Reactor Safety Research (Open)*—Discuss the scope of the ACRS annual report to the Congress on the NRC Safety Research Program and budget.

*369th ACRS Meeting*, January 10-12, 1991—Agenda to be announced.

*370th ACRS Meeting*, February 7-9, 1991—Agenda to be announced.

#### ACNW Full Committee and Working Group Meetings

*ACNW Meeting* scheduled for November 26-27, 1990 has been cancelled.

*ACNW Working Group Meeting on Mixed Wastes*, December 11, 1990, Bethesda, MD. The Working Group will discuss the technical and regulatory considerations for disposal of dually regulated wastes.

*ACNW Working Group Meeting on Expert Judgment*, December 11, 1990, postponed to January, 1991 (tentative), Bethesda, MD. The Working Group will review and discuss the use of expert judgment in conducting performance assessments of HLW repositories and LLW sites and potential problems that could arise with the use of expert judgment.

*26th ACNW Meeting*, December 12-14, 1990, Bethesda, MD. Items are tentatively scheduled:

\*A. The Committee will meet with the Commissioners to discuss items of mutual interest (tentative).



\*B. The Committee will be briefed by representatives of the Division of High-Level Waste Management (DHLWM) on the results of their reviews of the Study Plans for characterization of volcanic features and mineralogy, petrology, and chemistry of transport pathways (tentative).

\*C. The Committee will discuss the NRC staff's Study Plan, review plan, and staff plan for reviewing the Site Characterization progress reports.

\*D. The Committee will begin to consider 10 CFR part 60, high-level waste repository subsystem performance requirements regarding their conformance with the EPA high-level waste standards.

\*E. The Committee will hear reports from its working groups on mixed wastes and Carbon-14.

\*F. Discuss and begin preparation for ACNW presentation at Waste Management 1991 Symposium, Tucson, AZ, February 26, 1991.

\*G. The Committee will discuss anticipated and proposed Committee activities, meeting agenda, administrative, and organizational matters, as appropriate. The members will also discuss matters and specific issues which were not completed during previous meetings as time and availability of information permit.

27th ACNW Meeting, January 23-25, 1991—Agenda to be announced.

28th ACNW Meeting, February 20-22, 1991—Agenda to be announced.

Dated: November 16, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90-27382 Filed 11-20-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-12145-CivP, E.A. 89-079; ASLBP No. 91-622-01-CivP; Materials License No. 29-14150-01]

#### Certified Testing Laboratories, Inc.; Prehearing Conference

November 15, 1990.

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Cadet H. Hand, Jr., Elizabeth B. Johnson.

Notice is hereby given that the Atomic Safety and Licensing Board in this civil penalty proceeding will hold a prehearing conference on Monday, December 10, 1990, beginning at 9:30 a.m., in the Township of Bordentown Courtroom, Municipal Drive, Bordentown, New Jersey 08505. As set forth in the Licensing Board's Memorandum and Order (Schedules for Proceeding), dated November 5, 1990 (unpublished), the purpose of the conference is to define further the issues

to be litigated, establish schedules for discovery and additional filings and deal with other matters bearing upon the evidentiary hearing. Parties may file proposed agenda, to be received by each of the Board members no later than Friday, December 7, 1990.

Members of the public are invited to attend the conference.

Bethesda, Maryland, November 15, 1990.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 90-27383 Filed 11-20-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272/311]

#### Public Service Electric and Gas Co. (Salem Generating Station, Units 1 and 2); Exemption Amendment

##### I.

The Public Service Electric & Gas Company (the licensee) is the holder of Facility Operating License Nos. DPR-70 and DPR-75 which authorizes operation of the Salem Generating Station, Units 1 and 2, at a power level not in excess of 3411 megawatts thermal each. The facilities are pressurized water reactors located at the licensee's site in Salem County, New Jersey. The license provides, among other things, that the facilities are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

##### II.

On November 19, 1980, the Commission published a revised section 10 CFR 50.48 and a new appendix R to 10 CFR part 50 regarding fire protection features of nuclear power plants (45 FR 76602). In response to a fire protection exemption request by the licensee for Salem Units 1 and 2, dated July 15, 1988, the NRC granted, on July 20, 1989, an exemption from the requirements of Item III.G.2 of appendix R to 10 CFR part 50 for the Salem Units 1 and 2 containments (Exemption Request No. 12, Fire Areas 1-FA-RC-78 and 2-FA-RC-78). The containment subareas (within the above fire areas) housing the pressurizer and Panel 335, at elevation 100 feet, were exempted from the requirement that redundant cables and equipment, within the above subareas, be separated either at least 20 feet of horizontal distance that is free of intervening combustibles or by a radiant energy shield. The exemption further stated that no additional fire protection modifications at the pressurizer were needed to enhance the currently existing level of fire safety in the containment and that the licensee would install, at

Panel 335 for each unit, an automatic fire suppression system to enhance the fire protection for the panels which contain redundant channels of pressurizer pressure and level instrumentation. By submittal dated March 23, 1990, the licensee requested a correction to the totally automatic feature of the fire suppression system identified for Panel 335 in the NRC's approval letter. The licensee pointed out that their intent as identified in the exemption request of July 15, 1988 was to provide for a localized automatically actuated fire suppression system only if a gaseous type suppression system would be used. If, however, a localized water-based fire suppression system were to be used, it would require a remote manual action to open the normally closed containment fire suppression header isolation valve to actuate the system. In the March 23, 1990 letter, the licensee further stated that on review of the various fire suppression agents available, they had determined that a water-based fire suppression system would be the best choice for the Salem units and that they had consequently chosen a dry pipe sprinkler system. The licensee outlined the procedures for activating such a system. Additionally, the licensee provided justification for eliminating the originally identified need (licensee's submittal dated July 15, 1988) for using fire detectors for the suppression system actuation. In a letter dated September 13, 1990, the licensee provided additional details concerning the alarms and air pressurization associated with the dry pipe sprinkler system. The Commission's staff evaluated the information provided by the licensee to support the exemption amendment. The Commission's Safety Evaluation relating to the use of a remote, manually actuated water fire suppression system and the elimination of fire detectors for fire suppression system actuation is being issued concurrently with this exemption amendment. The Safety Evaluation concludes that the use of a manually actuated, water based fire suppression system and smoke detectors is acceptable and does not invalidate NRC's earlier exemption approval.

##### III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption amendment as described above is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances,



as provided in 50.12(a)(2)(ii), are present for the exemption amendment in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of appendix R to 10 CFR part 50 because the licensee's alternate fire protection configuration, including the modifications that were proposed, provide a level of safety equivalent to that provided by compliance with appendix R.

Therefore, the Commission hereby grants the exemption amendment from the requirements of 10 CFR part 50, appendix R, section III.G.2.

Pursuant to 10 CFR 51.32 the Commission has determined that the granting of this exemption amendment will have no significant impact on the environment (55 FR 46877).

This exemption amendment is effective upon issuance.

Dated at Rockville, Maryland this 14th day of November, 1990.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects I/II,  
Office of Nuclear Reactor Regulation.

[FR Doc. 90-27386 Filed 11-20-90; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### Cost Accounting Standards Board; Establishment of Agenda

**AGENCY:** Cost of Accounting Standards Board, Office of Federal Procurement Policy, OMB.

**ACTION:** Notice.

**SUMMARY:** The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), invites public comments on the establishment of its agenda. The CASB is today soliciting from the public, items for consideration by the Board in carrying out its statutory functions under Public Law 100-679.

**DATES:** Comments must be in writing and must be received by January 22, 1991.

**ADDRESSES:** Comments should be addressed to Mr. Richard C. Loeb, Acting Executive Secretary and Counsel, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., room 9001, Washington, DC 20503. ATTN: CASB Docket No. 90-93.

**FOR FURTHER INFORMATION CONTACT:** Richard C. Loeb, Acting Executive Secretary and Counsel, Cost Accounting

Standards Board (telephone: 202-395-3300).

#### SUPPLEMENTARY INFORMATION:

Established pursuant to section 5 of Public Law 100-679, the Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 422, the Cost Accounting Standards Board (CASB) has the exclusive authority to make, promulgate, amend, and rescind cost accounting standards and interpretations thereof designed to achieve uniformity and consistency in the cost accounting practices governing measurement, assignment and allocation of costs to contracts with the United States. To provide for maximum public participation in the work of the CASB, the board is today requesting the submission of agenda items from the public for its consideration. Agenda items recommended by the public will be used in assessing issues requiring consideration by the Board.

The public is advised of the following basic principles that guide the Board in the consideration of items for inclusion on its agenda. First, Cost Accounting Standards that are the subject of the Board's jurisdiction are those regulations (and interpretations thereof) that relate to the measurement, assignment and allocation of costs to contracts and subcontracts with United States Government agencies. Cost Accounting Standards promulgated by the Board do not affect non-U.S. Government contractual relationships, except to the extent that such instruments are identified as covered subcontracts under U.S. Government prime contracts.

Secondly, the Board does not determine the allowability of categories or individual items of cost. Allowability is a procurement concept affecting contract price and in most cases is established in regulatory or contractual provisions (see Federal Acquisition Regulation part 31 for commercial contract cost principles). However, the definition of a cost and the measurement, assignment and allocation of such cost are accounting concepts that are within the jurisdiction of the Board.

Cost Accounting Standards currently applicable to negotiated national defense contracts are codified in two sections of the Code of Federal Regulations. These regulations appear at 4 CFR, part 331, *et seq.*, and 48 CFR, part 30 (Federal Acquisition Regulation, part 30). The Board has underway a project that will recodify the two existing sets of Cost Accounting Standards into one set of Standards. Upon completion of this project, the recodified Cost

Accounting Standards will appear at 48 CFR, chap. 99.

Individuals and organizations desiring to submit agenda items for consideration by the Board are requested to provide such items in the following format:

- Name of Cost Accounting Standard or administrative issue in question;
- Reasons for concern;
- Possible burdens and benefits from any proposed approaches; and
- Priority of issues (if more than one item is proposed).

Agenda items submitted by the public, as well as those submitted by Federal agencies, will be used in conjunction with the recommendations of the Board's own staff, to develop a listing of the Board's agenda and research priorities.

Dated: November 9, 1990.

Allan V. Burman,

Administrator for Federal Procurement Policy and Chairman, Cost Accounting Standards Board.

[FR Doc. 90-27340 Filed 11-20-90; 8:45 am]

BILLING CODE 3110-01-M

## OVERSIGHT BOARD

### National Advisory Board Meeting

**AGENCY:** Oversight Board.

**ACTION:** Meeting notice.

**SUMMARY:** In accordance with section 10(a)(2) of the Federal Advisory Committee Act 5 U.S.C. (A), announcement is hereby published for a meeting of the National Advisory Board. The meeting is open to the public.

**DATES:** The meeting is scheduled for Wednesday, December 5, 1990, from 1 to 4 p.m.

**ADDRESSES:** The meeting will be held in the Government Services Administration Building, Auditorium, 18th & F Streets NW., Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Jill Nevius, Committee Management Officer, Oversight Board of the RTC, 1777 F Street NW., Washington, DC 20232, 202/786-9675.

**SUPPLEMENTARY INFORMATION:** Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (the Act), Public Law No. 101-73, 103 Stat. 183, 382-383, directed the Oversight Board to establish one national advisory board and six regional advisory boards.

**Purpose:** The purpose of the national advisory board is to provide information and advice to the Oversight Board.



**Agenda:** A detailed agenda will be available at the meeting. There will be briefings from the chairman of each of the six regional advisory board meetings held throughout the country between October 4 and November 8. Discussion will focus on the key issues which emerged from the regional meetings. They include seller financing, affordable housing, the RTC's marketing strategies and the RTC's use of the private sector. The RTC will demonstrate how to use its computerized real estate inventory program.

**Statements:** Interested persons may submit, in writing, data, information, or views on the issues pending before the national advisory board prior to or at the meeting. The meeting is open to the public. Seating is available on a first come first served basis.

Dated: November 16, 1990.

Jill Nevius,  
Committee Management Officer, Oversight  
Board, Advisory Board Affairs.  
[FR Doc. 90-27444 Filed 11-20-90; 8:45 am]  
BILLING CODE 2222-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Requests Under Review by Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash (202) 272-2142.

*Upon written request copy available from:* Securities and Exchange Commission, Public Reference Branch, Washington, DC 20549-1002.

### Extension, Rule 17f-(e), File No. 270-37

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17f-2(e) (17 CFR 240.17f-2(e)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*), which generally requires members of national securities exchanges, brokers, dealers, registered transfer agents, and registered clearing agencies claiming exemptions from the fingerprint requirement to prepare and maintain a statement supporting their claims for exemption. A total of seventy-five respondents incur a cumulative total of thirty-seven and one-half annual burden hours to comply with the rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with the Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive

Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington DC 20549-6004 and Gary Waxman, Clearance Officer, Office of Management and Budget (Paperwork Reduction Project 3235-0031), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 9, 1990.

Margaret H. McFarland,  
Deputy Secretary.  
[FR Doc. 90-27353 Filed 11-20-90; 8:45 am]  
BILLING CODE 8010-01-M

### Forms Under Review by Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash (202) 272-2142.

*Upon Written Request, Copy Available From:* Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549.

### Extension, Form N-8A, File No. 270-135

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Form N-8A under the Investment Company Act of 1940.

Form N-8A (17 CFR 274.10) is used by companies to notify the Commission of their registration under the Investment Company Act of 1940. The form takes about 1 hour to fill out.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549-6004, and Gary Waxman, Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (Paperwork Reduction Project) 3235-0175 (Form N-8A), room 3208 NEOB, Washington, DC 20503.

Dated: November 9, 1990.

Margaret H. McFarland,  
Deputy Secretary.  
[FR Doc. 90-27354 Filed 11-20-90; 8:45 am]  
BILLING CODE 8010-01-M

### Requests Under Review by Office of Management and Budget

**Agency Clearance Officer:** Kenneth A. Fogash (202) 272-2142.

*Upon written request copy available from:* Securities and Exchange Commission, Public Reference Branch, Washington, DC 20549-1002.

### Extension, Rule 15Bc3-1 and Form MSDW, File No. 270-93

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15Bc3-1 and Form MSDW under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*), which is used to provide notice of withdrawal of registration as a bank municipal securities dealer. A total of 20 respondents incur a cumulative total of ten annual burden hours to comply with the rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with the Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549-6004 and Gary Waxman, Clearance Officer, Office of Management and Budget (Paperwork Reduction Project 3235-0087), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 9, 1990.

Margaret H. McFarland,  
Deputy Secretary.  
[FR Doc. 90-27355 Filed 11-20-90; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-28617; File No. SR-MSE-90-17]

### Self-Regulatory Organizations, Filing and Order Granting Partial Accelerated Approval of Proposed Rule Change of the Midwest Stock Exchange, Inc. Relating to Orders Received Over the MAX System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 23, 1990, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to



solicit comments on the proposed rule change from interested persons, and simultaneously publishing an order granting partial accelerated approval of the proposed rule change.

#### **I. Self-Regulatory Organizations Statement of the Terms of Substance of the Proposed Rule Change**

The Midwest Stock Exchange, Incorporated ("MSE") proposes to extend its pilot program whereby the guaranteed execution price of small agency market orders received over the Midwest Automated Execution System (MAX) will be automatically improved from the consolidated best bid or offer according to certain pre-defined criteria (SuperMAX) until May 14, 1991. The MSE also requests permanent approval for SuperMAX. The Commission approved SuperMAX on a six month pilot basis on May 14, 1990 (see Securities Exchange Act Release No. 28014, May 14, 1990, order approving SR-MSE-90-5). The initial six-month approval expires on November 14, 1990. In addition, the MSE proposes to change the time during the day that SuperMAX becomes operational from 9 a.m. (ct) to 8:45 a.m. (ct).

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B) and (C) below, of the most significant aspects of such statements.

#### **(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

The Exchange proposes to extend its SuperMAX pilot program for a period of six months, and seeks approval of the SuperMAX system on a permanent basis. In addition, the MSE proposes to change the time during the day that SuperMAX becomes operational from 9 a.m. (ct) to 8:45 a.m. (ct). The six-month extension of the pilot period will allow the Exchange to better analyze the effectiveness of SuperMAX and provide the SEC with requested trading data.

The proposed rule is consistent with section 6 of the Act in that it is designed to promote just and equitable principles of trade and will help to perfect the

mechanism of a free and open market and a national market system and will foster competition among markets.

#### **(B) Self-Regulatory Organization's Statement on Burden on Competition**

Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

#### **(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others**

Comments on SuperMAX were informally received from Members and were unanimously favorable.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The MSE requests that the Commission find good cause for approving those parts of the proposed rule change extending its pilot program until May 14, 1991, and changing the time during the day that SuperMAX becomes operational prior to the thirtieth day after publication of the notice in the *Federal Register*. The proposed rule change implementing the pilot program has been published for comment in the *Federal Register*<sup>1</sup> previously, and there have been no adverse comments on it. The MSE believes it appropriate to approve the extension of the pilot program so that the Exchange can better analyze the effectiveness of SuperMAX and provide the SEC with requested trading data. The MSE requests accelerated approval for changing the time during the day that SuperMAX becomes operational to be effective for the six month extension of the pilot program because that change is merely an operational change that raises no substantive issues. As noted above, the substance of the pilot program was noticed previously and the Commission received no comments on that aspect of the proposal.

The Commission finds that those parts of the proposed rule change extending the pilot program and changing the time during the day that SuperMAX becomes operational is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSE and, in particular, the requirements of section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof.

<sup>1</sup> See Securities Exchange Act Release No. 28014 (May 14, 1990), 55 FR 20880.

in that accelerated approval is appropriate to extend the pilot program until May 14, 1991 without interruption and to change the time during the day that SuperMAX becomes operational.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by December 12, 1990.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change extending the pilot program until May 14, 1991, and changing the time during the day that SuperMAX becomes operational as described above be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: November 14, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-27356 Filed 11-20-90; 8:45 am]

BILLING CODE 8010-01-M

#### **DEPARTMENT OF TRANSPORTATION**

#### **Aviation Proceedings; Agreements Filed During the Week Ended November 9, 1990**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47243.

Date filed: November 5, 1990.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 434 (Fares Between Japan & Korea).

Proposed Effective Date: December 1, 1990.



**Docket Number:** 47244.  
**Date filed:** November 8, 1990.  
**Parties:** Members of the International Air Transport Association.

**Subject:** Expedited Resolutions/Recommended Practices R-1 To R-9.  
**Proposed Effective Date:** December 1, 1990.

**Docket Number:** 47245.  
**Date filed:** November 8, 1990.  
**Parties:** Members of the International Air Transport Association.

**Subject:** Europe-Africa Expedited Resos R-1 To R-22.  
**Proposed Effective Date:** December 1, 1990.

**Docket Number:** 47246.  
**Date filed:** November 8, 1990.  
**Parties:** Members of the International Air Transport Association.

**Subject:** Within Middle East Resolutions R-2 To R-8.  
**Proposed Effective Date:** April 1, 1990.

**Docket Number:** 47247.  
**Date filed:** November 8, 1990.  
**Parties:** Members of the International Air Transport Association.

**Subject:** TC3 Area-wide Resolutions R-1 To R-7.  
**Proposed Effective Date:** April 1, 1991.

Phyllis T. Kaylor,  
 Chief, Documentary Services Division.

[FR Doc. 90-27362 Filed 11-20-90; 8:45 am]  
 BILLING CODE 4910-62-M

#### Office of the Secretary

[Order 90-11-24; Docket 46766]

#### Application of Loken Aviation for a Certificate of Public Convenience and Necessity

**AGENCY:** Department of Transportation.  
**ACTION:** Notice of order to show cause.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Craig Loken d/b/a Loken Aviation fit, willing, and able to provide certificated operations under section 401(d)(1) of the Federal Aviation Act.

**DATES:** Persons wishing to file objections should do so no later than November 30, 1990.

**ADDRESSES:** Objections and answers to objections should be filed in Docket 46766 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Barbara P. Dunnigan, Air Carrier

Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2342.

**Dated:** November 15, 1990.

Patrick V. Murphy, Jr.,  
 Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 90-27361 Filed 11-20-90; 8:45 am]  
 BILLING CODE 4910-62-M

#### Federal Aviation Administration

##### Aviation Security Advisory Subcommittee Meeting

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Aviation Security Advisory Subcommittee Meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Security Operations Subcommittee of the Aviation Security Advisory Committee.

**DATES:** The meeting will be held December 4, 1990, from 9 a.m. to 12 p.m..

**ADDRESSES:** The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

##### FOR FURTHER INFORMATION CONTACT:

The Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-7416.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Security Operations Subcommittee of the Aviation Security Advisory Committee to be held December 4, 1990, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The Security Operations Subcommittee is chaired by the FAA. The agenda for the meeting is to discuss the crewmember training recommendations prepared by the crewmember training task force.

Attendance at the December 4 meeting is open to the public, but limited to space available. Oral statements are not anticipated, but written statements may be submitted anytime. Persons wishing to present statements or information should contact the Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-7416.

Issued in Washington, DC on November 14, 1990.

Monte R. Belger,  
 Acting Assistant Administrator for Civil Aviation Security.

[FR Doc. 90-27407 Filed 11-20-90; 8:45 am]  
 BILLING CODE 4910-13-M

#### Aviation Security Advisory Committee Meeting

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Aviation Security Advisory Committee Meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

**DATES:** The meeting will be held December 10, 1990, from 9 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

##### FOR FURTHER INFORMATION CONTACT:

The Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-3133.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held December 10, 1990, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The agenda for the meeting is to continue the review of several recommendations from the Report of the President's Commission on Aviation Security and Terrorism. Subcommittee chairs will provide updates on their subcommittee actions since the October 18, 1990, committee meeting. Attendance at the December 10, 1990, meeting is open to the public, but limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comments if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time.

Persons wishing to present statements or obtain information should contract the Office of the Assistant



Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-3133.

Issued in Washington, DC on November 14, 1990.

**Monte R. Belger,**

*Acting Assistant Administrator for Civil Aviation Security.*

[FR Doc. 90-27406 Filed 11-20-90; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

November 15, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

#### Internal Revenue Service

*OMB Number:* 1545-0971.

*Form Number:* IRS Form 1041-ES.

*Type of Review:* Revision.

*Title:* Estimated Income Tax for Fiduciaries.

*Description:* Form 1041-ES is used by fiduciaries of estates and trusts to make estimated tax payments if their estimated tax is \$500 or more. IRS uses the data to credit taxpayers' accounts and to determine if the estimated tax has been properly computed and timely paid.

*Respondents:* Businesses or other for-profit, small business or organizations.

*Estimated Number of Respondents:* 1,212,000.

*Estimated Burden Hours Per Respondent:*

Recordkeeping; 20 minutes.  
Learning about the law or the form; 10 minutes.

Preparing the form; 1 hour, 23 minutes.  
Copying, assembling, and sending the form to IRS; 20 minutes.

*Frequency of Response:* Quarterly and Annually.

*Estimated Total Reporting Burden:* 2,664,000 hours.

*Clearance Officer:* Garrick Shear (202) 535-4297, Internal Revenue Service,

room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

*OMB Reviewer:* Milo Sunderhauf (202) 395-6680, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.  
*Lois K. Holland,*

*Departmental Reports Management Officer.*

[FR Doc. 90-27346 Filed 11-20-90; 8:45 am]

BILLING CODE 4830-01-M

[Department Circular—Public Debt Series—No. 32-90]

### 8-3/4% Treasury Bonds of August 2020

November 1, 1990.

#### 1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately \$10,750,000,000 of United States securities, designated 8-3/4% Treasury Bonds of August 2020 (CUSIP No. 912810 EG 9), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payments will be required at the price equivalent of the yield of each accepted bid. Additional amounts of the Bonds may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities.

#### 2. Description of Securities

2.1 The Bonds will be issued November 15, 1990, and are offered as an additional amount of 8-3/4% Treasury Bonds of August 2020 (CUSIP No. 912810 EG 9) dated August 15, 1990. Payment for the Bonds will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from August 15, 1990, to November 15, 1990. Interest on the Bonds offered as an additional issue is payable on a semiannual basis on February 15, 1991, and each subsequent 6 months on August 15 and February 15 through the date that the principal becomes payable. They will mature August 15, 2020, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other non-business day, the amount due will be payable (without additional interest) on the next business day.

2.2 The Bonds are subject to all taxes imposed under the Internal Revenue Code of 1954. The Bonds are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3 The Bonds will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4 The Bonds will be issued only in book-entry form in a minimum amount of \$1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5 A Bond may be held in its fully constituted form or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in Section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Bonds in their fully constituted form; the description of the separate Principal and Interest Components is set forth in section 6 of this circular.

2.6 The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series No. 2-86, (31 CFR part 357), apply to the Bonds offered in this circular.

#### 3. Sale Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Thursday, November 8, 1990, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 7, 1990, and received no later than Thursday, November 15, 1990.

3.2 The par amount of Bonds bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the



term "noncompetitive" on the tender form in lieu of a specific yield.

3.3 A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4 Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5 Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan association; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6 Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 9.47% will not be accepted, because the equivalent prices would fall below the original issue discount limit of 92.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid.

Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7 Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

#### 4. Reservations

4.1 The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1 Settlement for the Bonds allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from August 15, 1990, to November 15, 1990, in the amount of \$21.875 per \$1,000 of Bonds allotted. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5, must be made or completed on or before Thursday, November 15, 1990. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1990. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for

the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2 In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered definitive securities tendered in payment for the Bonds allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Bond being purchased. In any such case, the tender form used to place the Bonds allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. Separability of Principal and Interest

6.1 Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Bond may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest Component and the Principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment A to this circular.

6.2 Attachment A also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3 For a Bond to be separated into the components described in section 6.1, the par amount of the Bond must be in an amount which, based on the stated interest rate of the Bond, will produce a semiannual interest payment of \$1,000 or a multiple of \$1,000. The minimum par amount required to obtain the separate components for this offering is \$160,000. Par amounts greater than the minimum amount must be in multiples of that amount.

6.4 A Bond may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal



Reserve Bank maintaining the amount for the Bonds. Once a Bond has been separated into its components, the components may be maintained and transferred in multiples of \$1,000.

6.5. Interest Components and Principal Components in multiples of \$1,000 will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

6.6. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.7. Detached physical interest coupons, coupons held under the CUBES Program, or cash payments may not be substituted for missing Interest or Principal Components. Any reconstitution request which does not comprise all of the necessary STRIPS components in the appropriate amounts will not be accepted.

6.8. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Bonds separated into their components.

## 7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Bonds.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such change will be promptly provided.

7.3. The bonds issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

7.4. Attachment A is incorporated as part of this offering circular.

Marcus W. Page,  
Acting Fiscal Assistant Secretary.

## CUSIP Numbers and Designations for the Principal Component and Interest Components of Treasury Bonds of August 15, 2020, CUSIP No. 912810 EG 9

The Principal Component is designated 8¼% Treasury Principal (TPRN) 2020 due August 15, 2020, CUSIP No. 912803 AU 7.

## INTEREST COMPONENTS

Designation	CUSIP No. 912833
Treasury Interest (TINT) due:	
February 15, 1991	BH 2
August 15, 1991	BJ 8
February 15, 1992	BK 5
August 15, 1992	BL 3
February 15, 1993	BM 1
August 15, 1993	BN 9
February 15, 1994	BP 4
August 15, 1994	BQ 2
February 15, 1995	BR 0
August 15, 1995	BS 8
February 15, 1996	BT 6
August 15, 1996	BU 3
February 15, 1997	BV 1
August 15, 1997	BW 9
February 15, 1998	BX 7
August 15, 1998	BY 5
February 15, 1999	BZ 2
August 15, 1999	CA 6
February 15, 2000	CB 4
August 15, 2000	CC 2
February 15, 2001	CD 0
August 15, 2001	CE 8
February 15, 2002	CF 5
August 15, 2002	CG 3
February 15, 2003	CH 1
August 15, 2003	CJ 7
February 15, 2004	CK 4
August 15, 2004	CL 2
February 15, 2005	CM 0
August 15, 2005	CN 8
February 15, 2006	CP 3
August 15, 2006	CQ 1
February 15, 2007	CR 9
August 15, 2007	CS 7
February 15, 2008	CT 5
August 15, 2008	CU 2
February 15, 2009	CV 0
August 15, 2009	CW 8
February 15, 2010	CX 6
August 15, 2010	CY 4
February 15, 2011	CZ 1
August 15, 2011	DA 5
February 15, 2012	DB 3
August 15, 2012	DC 1
February 15, 2013	DD 9
August 15, 2013	DE 7
February 15, 2014	DF 4
August 15, 2014	DG 2
February 15, 2015	DH 0
August 15, 2015	DI 8
February 15, 2016	DJ 6
August 15, 2016	DK 4
February 15, 2017	DL 3
August 15, 2017	DM 9
February 15, 2018	DN 2
August 15, 2018	DO 8
February 15, 2019	DP 3
August 15, 2019	DQ 9
February 15, 2020	DY 5

## INTEREST COMPONENTS—Continued

Designation	CUSIP No. 912833
August 15, 2020	LA 6

[FR Doc. 90-27498 Filed 11-19-90; 10:08 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 30-90]

## Treasury Notes of November 15, 1993, Series V-1993

November 1, 1990.

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately \$12,500,000,000 of the United States securities, designated Treasury Notes of November 15, 1993, Series V-1993 (CUSIP No. 912827 ZM 7), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own accounts in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

### 2. Description of Securities

2.1. The Notes will be dated November 15, 1990, and will accrue interest from that date, payable on a semiannual basis on May 15, 1991, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 1993, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.



2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of \$5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Tuesday, November 6, 1990, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Monday, November 5, 1990, and received no later than Thursday, November 15, 1990.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in government securities and are on the list

of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discounted limit of 99.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

### 5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5, must be made or completed on or before Thursday, November 15, 1990. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1990. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the



registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 90-27496 Filed 11-19-90; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 31-90]

### Treasury Notes of November 15, 2000, Series D-2000

November 1, 1990.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately \$11,000,000,000 of United States securities, designated Treasury Notes of November 15, 2000, Series D-2000 (CUSIP No. 912827 ZN 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The Notes will be dated November 15, 1990, and will accrue interest from that date, payable on a semiannual basis on May 15, 1991, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 2000, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of \$1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. A Note may be held in its fully constituted form or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Notes in their fully constituted form; the description of the separate Principal and Interest components is set forth in section 6 of this circular.

2.6. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Wednesday, November 7, 1990, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 6, 1990, and received no later than Thursday, November 15, 1990.

3.2. The par amount of Notes paid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a



commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

#### 5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Thursday, November 15, 1990. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing the United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1990. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Note may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest

Component and the Principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment A to this circular.

6.2. Attachment A also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3. For a Note to be separated into the components described in section 6.1., the par amount of the Note must be in an amount which, based on the stated interest rate of the Note, will produce a semiannual interest payment of \$1,000 or a multiple of \$1,000. Attachment B to this circular provides the minimum par amounts required to separate a security at various interest rates, as well as the interest payment corresponding to those minimum par amounts. Par amounts greater than the minimum amount must be in multiples of that amount. The minimum par amount for this offering will be provided in the public announcement of the amount and yield range of accepted bids.

6.4. A note may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal Reserve Bank maintaining the account for the Notes. Once a Note has been separated into its components, the components may be maintained and transferred in multiples of \$1,000.

6.5. Interest Components and Principal Components in multiples of \$1,000 will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal public monies. They will not be acceptable in payment of Federal taxes.

6.6. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A Principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.7. Detached physical interest coupons, coupons held under the CUBES Programs, or cash payments may not be substituted for missing Interest or Principal Components. Any reconstitutional request which does not comprise all of the necessary STRIPS components in the appropriate amounts will not be accepted.

6.8. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution



transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Notes separated into their components.

## 7 General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

7.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

7.3. The Notes issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

7.4. Attachments A and B are incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

## CUSIP NUMBERS AND DESIGNATIONS FOR THE PRINCIPAL COMPONENT AND INTEREST COMPONENTS OF TREASURY NOTES OF NOVEMBER 15, 2000, SERIES D-2000, CUSIP NO. 912827 ZN 5.

The Principal Component is designated (Interest Rate) Treasury Principal (TPRN) Series D-2000 due November 15, 2000, CUSIP No. 912820 AY 3.

## INTEREST COMPONENTS

Designation	CUSIP No. 912833
Treasury Interest (TINT) due:	
May 15, 1991	ES 5
November 15, 1991	ET 3
May 15, 1992	EU 0
November 15, 1992	EV 8
May 15, 1993	EW 6
November 15, 1993	EX 4
May 15, 1994	EY 2
November 15, 1994	EZ 9
May 15, 1995	FA 3

## INTEREST COMPONENTS—Continued

Designation	CUSIP No. 912833
November 15, 1995	FB 1
May 15, 1996	FC 9
November 15, 1996	FD 7
May 15, 1997	FE 5
November 15, 1997	FF 2
May 15, 1998	FG 0
November 15, 1998	FH 8
May 15, 1999	FJ 4
November 15, 1999	FK 1
May 15, 2000	FL 9
November 15, 2000	FM 7

## MINIMUM FACE AMOUNTS WHICH ARE MULTIPLES OF \$1000 REQUIRED IN ORDER TO PRODUCE INTEREST PAYMENTS THAT ARE MULTIPLES OF \$1000.

Coupon (percent)	Minimum face (\$)	Interest payment (\$)
5.000	40,000.00	1,000.00
5.125	1,600,000.00	41,000.00
5.250	800,000.00	21,000.00
5.375	1,600,000.00	43,000.00
5.500	400,000.00	11,000.00
5.625	320,000.00	9,000.00
5.750	800,000.00	23,000.00
5.875	1,600,000.00	47,000.00
6.000	100,000.00	3,000.00
6.125	1,600,000.00	49,000.00
6.250	32,000.00	1,000.00
6.375	1,600,000.00	51,000.00
6.500	400,000.00	13,000.00
6.625	1,600,000.00	53,000.00
6.750	800,000.00	27,000.00
6.875	320,000.00	11,000.00
7.000	200,000.00	7,000.00
7.125	1,600,000.00	57,000.00
7.250	800,000.00	29,000.00
7.375	1,600,000.00	59,000.00
7.500	80,000.00	3,000.00
7.625	1,600,000.00	61,000.00
7.750	800,000.00	31,000.00
7.875	1,600,000.00	63,000.00
8.000	25,000.00	1,000.00
8.125	320,000.00	13,000.00
8.250	800,000.00	33,000.00
8.375	1,600,000.00	67,000.00
8.500	400,000.00	17,000.00
8.625	1,600,000.00	69,000.00
8.750	160,000.00	7,000.00
8.875	1,600,000.00	71,000.00
9.000	200,000.00	9,000.00
9.125	1,600,000.00	73,000.00
9.250	800,000.00	37,000.00
9.375	64,000.00	3,000.00
9.500	400,000.00	19,000.00
9.625	1,600,000.00	77,000.00
9.750	800,000.00	39,000.00
9.875	1,600,000.00	79,000.00
10.000	20,000.00	1,000.00
10.125	1,600,000.00	81,000.00
10.250	800,000.00	41,000.00
10.375	1,600,000.00	83,000.00
10.500	400,000.00	21,000.00
10.625	320,000.00	17,000.00
10.750	800,000.00	43,000.00
10.875	1,600,000.00	87,000.00
11.000	200,000.00	11,000.00
11.125	1,600,000.00	69,000.00
11.250	160,000.00	9,000.00
11.375	1,600,000.00	91,000.00
11.500	400,000.00	23,000.00
11.625	1,600,000.00	93,000.00
11.750	800,000.00	47,000.00
11.875	320,000.00	19,000.00

## MINIMUM FACE AMOUNTS WHICH ARE MULTIPLES OF \$1000 REQUIRED IN ORDER TO PRODUCE INTEREST PAYMENTS THAT ARE MULTIPLES OF \$1000.—Continued

Coupon (percent)	Minimum face (\$)	Interest payment (\$)
12.000	50,000.00	3,000.00
12.125	1,600,000.00	97,000.00
12.250	800,000.00	49,000.00
12.375	1,600,000.00	99,000.00
12.500	16,000.00	1,000.00
12.625	1,600,000.00	101,000.00
12.750	800,000.00	51,000.00
12.875	1,600,000.00	103,000.00
13.000	200,000.00	13,000.00
13.125	320,000.00	21,000.00
13.250	800,000.00	53,000.00
13.375	1,600,000.00	107,000.00
13.500	400,000.00	27,000.00
13.625	1,600,000.00	109,000.00
13.750	160,000.00	11,000.00
13.875	1,600,000.00	111,000.00
14.000	100,000.00	7,000.00
14.125	1,600,000.00	113,000.00
14.250	800,000.00	57,000.00
14.375	320,000.00	23,000.00
14.500	400,000.00	29,000.00
14.625	1,600,000.00	117,000.00
14.750	800,000.00	59,000.00
14.875	1,600,000.00	119,000.00
15.000	40,000.00	3,000.00
15.125	1,600,000.00	121,000.00
15.250	800,000.00	61,000.00
15.375	1,600,000.00	123,000.00
15.500	400,000.00	31,000.00
15.625	64,000.00	5,000.00
15.750	800,000.00	63,000.00
15.875	1,600,000.00	127,000.00
16.000	25,000.00	2,000.00
16.125	1,600,000.00	129,000.00
16.250	160,000.00	13,000.00
16.375	1,600,000.00	131,000.00
16.500	400,000.00	33,000.00
16.625	1,600,000.00	133,000.00
16.750	800,000.00	67,000.00
16.875	320,000.00	27,000.00
17.000	200,000.00	17,000.00
17.125	1,600,000.00	137,000.00
17.250	800,000.00	69,000.00
17.375	1,600,000.00	139,000.00
17.500	80,000.00	7,000.00
17.625	1,600,000.00	141,000.00
17.750	800,000.00	71,000.00
17.875	1,600,000.00	143,000.00
18.000	100,000.00	9,000.00
18.125	320,000.00	29,000.00
18.250	800,000.00	73,000.00
18.375	1,600,000.00	147,000.00
18.500	400,000.00	37,000.00
18.625	1,600,000.00	149,000.00
18.750	32,000.00	3,000.00
18.875	1,600,000.00	151,000.00
19.000	200,000.00	19,000.00
19.125	1,600,000.00	153,000.00
19.250	800,000.00	77,000.00
19.375	320,000.00	31,000.00
19.500	400,000.00	39,000.00
19.625	1,600,000.00	157,000.00
19.750	800,000.00	79,000.00
19.875	1,600,000.00	159,000.00
20.000	10,000.00	1,000.00
20.125	1,600,000.00	161,000.00
20.250	800,000.00	81,000.00

[FR Doc. 90-27497 Filed 11-19-90; 10:07 am]

BILLING CODE 4810-40-M



## DEPARTMENT OF VETERANS AFFAIRS

### Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Public Law 92-463, the Department of Veterans Affairs gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 M Street NW., Washington, DC January 15 through January 18, 1991. The session on January 15, 1991, is scheduled to begin at 6:30 p.m. and end at 10:30 p.m. The sessions on January 16, 17, and 18, 1991, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) for the January 15, session for the discussion of administrative matters, the general status of the program, and the administrative details of the review process. On January 16-18, 1991, the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed

research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and hereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 552b(c)(6) and (c)(9)(b) and the determination of the Secretary of the Department of Veterans Affairs under sections 10(d) of Public Law 92-463 as amended by section 5(c) of Public Law 94-409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Ms. Victoria Mongiardo, Program Analyst, Rehabilitation Research and Development Service, Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC 20420 (phone: 202-233-5177) at least five days before the meeting.

Dated: November 12, 1990.

By direction of the Secretary.

**Sylvia Chavez Long,**

*Committee Management Officer.*

[FR Doc. 90-27389 Filed 11-20-90; 8:45 am]

BILLING CODE 8320-01-M

### Special Medical Advisory Group; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Special Medical Advisory Group will be held on December 6-7, 1990. The session on December 6 will be held at the Capital Hilton Hotel, 16th and K Streets, NW., Washington, DC, and the session on December 7 will be held in room 119 at the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC. The purpose of the Special Medical Advisory Group is to advise the Secretary and Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Department's Veterans Health Services and Research Administration. The session on December 6 (held at the Capital Hilton Hotel) will convene at 6 p.m. and the session on December 7 will convene at 8:30 a.m. All sessions will be open to the public up to the seating capacity of the rooms. Because this capacity is limited, it will be necessary for those wishing to attend to contact Lorri Fernal, Office of the Chief Medical Director, Department of Veterans Affairs (phone 202/233-3985) prior to December 3, 1990.

Dated: November 13, 1990.

By direction of the Secretary.

**Sylvia Chavez Long,**

*Committee Management Officer.*

[FR Doc. 90-27388 Filed 11-20-90; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 55, No. 225

Wednesday, November 21, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 55 FR 47830, Thursday, November 15, 1990.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 11:00 a.m., Monday, November 19, 1990.

**CHANGES IN THE MEETING:** Addition of the following closed item(s) to the meeting:

International banking matter.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 19, 1990.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 90-27601 Filed 11-19-90; 3:51 pm]

BILLING CODE 6210-01-M

## STATE JUSTICE INSTITUTE TIME AND DATE:

9:00 a.m. to 5:00 p.m., November 30, 1990

9:00 a.m. to 5:00 p.m., December 1, 1990

9:00 a.m. to 12 noon, December 2, 1990

**PLACE:** State Justice Institute, 120 South Fairfax Street, Alexandria, VA 22314.

**STATUS:** The meeting will be open to the public.

## MATTERS TO BE CONSIDERED:

### Portions Open to the Public

Discussion of FY 92 budget, information dissemination plans, and options to provide assistance to help State courts cope with their drug caseloads; and consideration of concept papers and applications.

### Portions Closed to the Public

Discussion of internal personnel issues.

## CONTACT PERSON FOR MORE

**INFORMATION:** David I. Tevelin, Executive Director, State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia 22314.

David I. Tevelin,

*Executive Director.*

[FR Doc. 90-27589 Filed 11-19-90; 2:42 pm]

BILLING CODE 6820-SC-M

## NEIGHBORHOOD REINVESTMENT CORPORATION

Personnel Committee Meeting

**TIME AND DATE:** 10:00 a.m., Tuesday, November 20, 1990.

**PLACE:** U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 7100, Washington, D.C. 20410.

**STATUS:** Closed.

## CONTACT PERSON FOR MORE

**INFORMATION:** Martha A. Diaz-Ortiz, Acting Secretary, (202) 376-2400.

## Agenda

I. Officers' Compensation; and  
II. Report from Korn/Ferry on Search for Executive

Martha A. Diaz-Ortiz,

*Acting Secretary*

[FR Doc. 90-27549 Filed 11-19-90; 2:06 pm]

BILLING CODE 7570-01-M



# Corrections

Federal Register

Vol. 55, No. 225

Wednesday, November 21, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 489]

### Termination of Foreign-Trade Subzones 84A and 84B, Harris County, TX

#### Correction

In notice document 90-26809 appearing on page 47502, in the issue of Wednesday, November 14, 1990, in the second column, in the last line,

"Subzone Nos. 82A" should read "Subzone Nos. 84A".

BILLING CODE 1505-01-D

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. TM91-2-26-000]

### Natural Gas Pipeline Co. of America; Change in FERC Gas Tariff

#### Correction

In notice document 90-26777 appearing on page 47521, in the issue of Wednesday, November 14, 1990, in the second column, the docket number should read as set forth above.

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 91

[Docket No. 26380; Special Federal Aviation Regulation (SFAR) No. 61]

### Restriction on Certain Flights from the United States to Iraq or Kuwait

#### Correction

In rule document 90-26570 beginning on page 47298, in the issue of Friday, November 9, 1990, make the following corrections:

1. On page 47299, in the second column, in the ninth line of the first paragraph, "and" should read "or".

#### SFAR No. 61 [Corrected]

2. On page 47300, in the first column, in paragraph (c), in the next to last line, "Resolution 661 (1960)" should read "Resolution 661 (1990)".

BILLING CODE 1505-01-D



[The body of the page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text appears to be organized into several paragraphs, but the specific content cannot be discerned.]



# **Federal Register**

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**Wednesday  
November 21, 1990**

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## **Part II**

### **Department of Defense**

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**48 CFR Part 204, et al.**

**Department of Defense Acquisition  
Regulations; Miscellaneous Amendments**



## DEPARTMENT OF DEFENSE

48 CFR Parts 204, 205, 208, 209, 214, 215, 216, 219, 225, 226, 231, 232, 235, 242, 245, 246, 252, and Appendix N

[Defense Acquisition Circular (DAC) 88-16]

**Department of Defense Acquisition Regulations; Miscellaneous Amendments**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Interim rule with request for comments; and final rules.

**SUMMARY:** Defense Acquisition Circular (DAC) 88-16 amends the DoD FAR Supplement (DFARS) coverage on price competition in dual source programs, field pricing support, quarterly limitation on payments under incentive contracts, subcontracting with Indians, foreign acquisition, polyacrylonitrile carbon fiber, welded shipboard anchor and mooring chain, noncommercial cost principles, flexible progress payments, fixed price type development contracts, contract administration services on military installations, authority to issue orders under basic ordering agreements, special test equipment, DD form 1057, Appendix N (activity address numbers), and miscellaneous editorial items.

**DATES:** *Effective Date:* November 16, 1990 except for §§ 219.001, 219.301-70(b) (2) and (3), 219.302 (S-70), and 252.219-7005 (Item IV, Finalizing Interim Small Business Rules,) which were effective April 16, 1990, and §§ 226.71 and 252.226-7002 (Item V, Indian Incentive Program,) which were effective September 23, 1990.

*Comment Date:* Comments on the interim rule, §§ 226.71 and 252.226-7002 (Item V), should be submitted to the address below by December 21, 1990, to be considered in formulating the final rule. Please cite DAR Case 88-342 in all correspondence concerning this rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mrs. Alyce Sullivan, DAR Council, ODASD(P)/DARS, c/o OASD(P&L)(M&RS), Room 3D139, Pentagon, Washington, DC 20301-3062.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lucile Hughes, telephone (703) 697-7266.

**SUPPLEMENTARY INFORMATION:**

**A. Determination to Issue Interim Rule**

A determination has been made under the authority of the Secretary of Defense to issue the regulations in Item V of DAC #88-16 as an interim rule. Compelling reasons exist to promulgate this interim rule without prior

opportunity for public comment. However, pursuant to Pub. L. 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating the final rule.

**B. Background**

The DoD FAR Supplement is codified in chapter 2 title 48 of the Code of Federal Regulations.

The October 1, 1989 revision of the CFR is the most recent edition of that title. It includes amendments to the 1988 edition of the DoD FAR Supplement made by Defense Acquisition Circulars 88-1 through 88-12.

DAC 88-16, Item IV. This document finalizes interim regulations which were published in the May 8, 1990, *Federal Register* (55 FR 19070).

DAC 88-16, Item V. This interim rule is issued as implementation of Section 7 of Pub. L. 100-442.

**C. Public Comments**

*DAC 88-16, Item V*

This item is published as an Interim rule. Public comment is invited.

*DAC 88-16 Items, I, II, III, XI, XII, XIII, XIV, XV, XVI, and XVII*

Public comments were not solicited for these revisions because the revisions do not alter the substantive meaning of any coverage in the DFARS having a significant impact on contractors or offerors, or do not have a significant effect beyond agency internal operating procedures.

*DAC 88-16, Item VI*

These rules were published for public comment. The comments that were received were considered in development of the final rule:

Item IV. Interim rules were published in the *Federal Register* May 8, 1990 (55 FR 19070). No comments were received.

Item VII. A proposed rule was published in the *Federal Register* January 17, 1990 (55 FR 1593).

Item VIII. A proposed rule was published in the *Federal Register* on July 2, 1990 (55 FR 27263).

Item IX. A proposed rule was published in the *Federal Register* on July 23, 1989 (54 FR 31480).

Item X. A proposed rule was published in the *Federal Register* on May 29, 1990 (55 FR 21758).

**D. Regulatory Flexibility Act**

*DAC 88-16, Items, I, II, III, XII, XIII, XIV, XV, XVI, and XVII*

The Regulatory Flexibility Act does not apply because these rules are not significant revisions within the meaning of Public Law 98-577. However,

comments from small entities concerning the affected DoD FAR Supplement Subparts will be considered in accordance with section 610 of the Act. Such comments must be submitted separately. Please cite DAR Case 90-610 in correspondence.

*DAC 88-16, Item IV*

These rules were published in the *Federal Register* May 8, 1990 as interim rules (55 FR 19070). The requirements of the Regulatory Flexibility Act were addressed by the Small Business Administration (SBA) in development of its regulations implementing the Business Opportunity Development Reform Act of 1988, Pub. L. 100656. The SBA's regulations were published in the *Federal Register* March 13, 1989 (54 FR 10271).

*DAC 88-16, Item V*

This interim rule is not expected to have a significant economic impact on a substantial number of small entities because it has limited application. A Regulatory Flexibility analysis has not been prepared. However, comments received from small entities will be considered in developing the final rule.

*DAC 88-16, Item VI*

DoD certifies that this final rule will not have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act because the only revision impacting small business is the evaluation procedure at 225.105, or application of a single 50% factor to nonqualifying country offers instead of the existing multi-step procedure. We cannot quantify the impact, however, it will result in a greater preference for small business offers over nonqualifying country offers.

*DAC 88-16, Item VII*

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Comments received in response to a notice of proposed rule published January 17, 1990 (55 FR 1593) were considered in developing the final rule.

*DAC 88-16, Item VIII*

This final rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601 et seq. No comments were received in response to publication of the proposed rules which



addressed the Regulatory Flexibility statement.

#### *DAC 88-16, Item IX*

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it does not apply to small entities.

#### **E. Paperwork Reduction Act**

*DAC 88-16, Items I, II, III, IV, V, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, and XVII*

The Paperwork Reduction Act does not apply because these rules do not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

#### *DAC 88-16, Item VI*

The Paperwork Reduction Act applies. This rule is based on the OMB terms of clearance under OMB Control Number 0704-7266.

List of Subjects in 48 CFR Parts 204, 205, 208, 209, 214, 215, 216, 219, 225, 226, 231, 232, 235, 242, 245, 246 and 252

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulatory System.

(Defense Acquisition Circular No. 88-16, dated November 16, 1990)

All DoD FAR Supplement and other directive material contained in this circular is effective November 16, 1990, unless otherwise specified in the Item summary. Material effective November 16, 1990, is to be used upon receipt. Solicitations issued before receipt of the circular do not have to be amended to include the new or revised clauses or forms. See the guidance in DoD FAR Supplement 201.301(S-70)(4).

Defense Acquisition Circular (DAC) 16 amends the Defense Federal Acquisition Regulation Supplement (DFARS) 1988 edition, prescribes procedures to be followed, and provides informational interest items. The amendments, procedures, and information are summarized as follows:

#### **Item I—Adequate Price Competition in Dual Source Programs**

DFARS 215.804-3 is revised to emphasize the need for contracting officers to make determinations of adequate price competition on dual source acquisitions on a case-by-case basis.

#### **Item II—Field Pricing Support**

DFARS 215.805-5(e)(6) is revised to relieve the auditor in a field pricing effort of the responsibility for quantifying technical findings, unless the auditor had specifically requested a technical analysis.

#### **Item III—Quarterly Limitation on Payments Under Incentive Contracts**

DFARS 216.403 is revised by deleting the Quarterly Limitation on Payments coverage, including the formula for computing overpayments or underpayments. The information the contractor is required to provide, by the clauses in FAR 52.216-16 and 52.216-17, adequately identifies overpayments and underpayments. Consequently, there is no need to use a formula to compute overpayments and underpayments.

#### **Item IV—Finalizing Interim Small Business Rules**

The interim rules in DAC #88-14, (Items IX, X, and XI), on Presumptive Eligibility of Native Hawaiian Organizations, Disadvantaged Business Status Protests, and Misrepresentation of Small Business Status, are converted to final rules with no changes. These rules were effective April 16, 1990.

DFARS 219.001, 219.301-70(b)(2) and 252.219-7005 were revised to add Hawaiian Organizations and Indian Tribes to the list of groups presumed to be socially disadvantaged. (Item IX in DAC #88-14).

DFARS 219.301-70(b)(3), 219.302-(S-70) and 252.219-7005 were revised to reflect the establishment within the Small Business Administration (SBA) of a Division of Program Certification and Eligibility and assignment of the responsibility for deciding protests regarding the status of a concern as a disadvantaged concern for purposes of any program conducted under the authority of Section 8(d) of the Small Business Act. (Item X in DAC #88-14).

DFARS 252.219-7005 was revised to include the notice of penalty for misrepresentation of status as a small business or small disadvantaged business for the purpose of obtaining a contract or subcontract under one of the small or small disadvantaged business preference programs authorized by Section 8(a), 8(d), 9 or 15 of the Small Business Act. (Item XI in DAC #88-14).

#### **Item V—Indian Incentive Program**

Section 7 of Pub. L. 100-442 amends the Indian Financing Act of 1974 (25 U.S.C. 1544) by adding a new section 504 to encourage the use of Indian organizations and Indian-owned economic enterprises in subcontracting.

Section 9103 of the FY 1990 DoD Appropriations Act described how to compute the 5% incentive. DFARS subpart 226.71 and a clause at 252.226-7002 are added to implement the law and permit prime contractors to claim reimbursement of those costs of subcontracting with an Indian organization or enterprise which exceed the cost of acquiring the supplies or services from another source. Reimbursement of up to 5% of the subcontract price/cost is permitted.

This item is issued as an interim rule which was effective September 28, 1990. It confirms a departmental letter issued that date.

#### **Item VI—Foreign Acquisition**

Multiple revisions have been made in DFARS part 225, Foreign Acquisition to simplify and clarify the coverage. DFARS coverage which was redundant with FAR coverage has been deleted and references have been updated. Revisions primarily pertain to the Buy American Act, Trade Agreements Act, Customs and Duties and purchases from qualifying countries.

The evaluation procedures for the Buy American Act-Supplies were revised to incorporate a single 50% evaluation factor (inclusive of duty), instead of the 6/12% exclusive of duty or 50% inclusive of duty. The Buy American Act evaluation factor was also revised so that it is applied only when an offer of a domestic end product is eligible for award.

Customs and Duties, subpart 225.6, is simplified and revised to waive duty for all designated country end products, not just those that are also qualifying countries. A new clause, 252.225-7029, Information for Duty-Free Entry Evaluation, has been added to provide the contracting officer the information needed to evaluate and award offers with and without duty. Offerors should already have this information available when they price their offer in the normal course of business for companies offering foreign products.

Corresponding revisions have been made to subparts 205.2, 208.4, 209.1, 214.2, and 246.4.

#### **Item VII—Polyacrylonitrile Carbon Fiber**

DFARS 225.7011 is revised and a clause at 252.225-7030 is added to implement Section 8088 of Pub. L. 100-202, which directs the Secretary of Defense to take action necessary to ensure that a minimum of 50 percent of the DoD Polyacrylonitrile (PAN) carbon fiber requirement is acquired from domestic sources by 1992.



**Item VIII—Welded Shipboard Anchor and Mooring Chain**

DFARS subparts 208.78, 225.70, and 252.2 are revised to implement statutory restrictions on the acquisition of welded shipboard anchor and mooring chain four inches in diameter and under. The Clause at 252.208-7005 is revised and two new clauses are added as 252.225-7025 and 252.225-7026 to distinguish between the differing restrictions in the FY 88 and FY 89 and later laws.

**Item IX—Noncommercial Cost Principles**

Section 2324(e) of Title 10 U.S.C., "Allowable costs under defense contracts," makes certain costs unallowable and requires the Secretary of Defense to prescribe implementing regulations. FAR subpart 31.2, has been revised to incorporate the statutory prohibitions as they apply to contracts with commercial organizations. This DFARS rule implements the statutory prohibitions for contracts with educational institutions; state, local and Federally recognized Indian tribal governments; and nonprofit organizations.

**Item X—Flexible Progress Payments**

DFARS 232.502-1(S-71) and the clause at 252.232-7004 are revised to provide for the payment of interest as a remedy when contractors are overpaid because data they submitted for use in determining the flexible progress payment rate turns out to be inaccurate, incomplete, or noncurrent. (These changes result from recommendations made by the DoD Inspector General.) In addition, the policy with regard to small business eligibility for flexible progress payments is clarified; procedures with regard to the Cash Flow Computer Model are revised to reflect elimination of the COPPER IMPACT time sharing computer network; and, the text and clause are rewritten and reformatted to improve readability.

**Item XI—Fixed-Price Type Development Contracts**

DFARS 235.006 is revised to implement Section 9043 of the DoD Fiscal Year 1990 Authorization Act and DoD policy covering restrictions on the use of fixed-price type contracts for development program efforts.

**Item XII—Contract Administration Services on Military Installations**

DFARS 242.270 is revised to clarify the circumstances under which the Defense Contract Management Command will perform contract administration services for work

performed under contract on a military installation.

**Item XIII—Delegation of Authority to Issue Orders Under Basic Ordering Agreements**

DFARS 242.302 is revised to add to the list of functions which can be delegated to the contract administration office, the issuance, negotiation, and execution of work orders under basic ordering agreements for overall, maintenance, and repair.

**Item XIV—Special Test Equipment**

Coverage is added at DFARS 245.608-5 to incorporate special DoD screening procedures for standard components of special test equipment that qualify as industrial plant equipment, other plant equipment, and automated data processing equipment.

**Item XV—DD Form 1057**

The October 1989 version of DD Form 1057, Monthly Contracting Summary of Contract Actions \$25,000 or Less, is included at 253.303-70-D-1057. Lines 2a and 2b in Section B—Contracting Actions, are new. Forms are not printed in the CFR.

**Item XVI—Revision of DFARS Appendix N, Activity Address Numbers**

Appendix N is updated.

**Item XVII—Editorial Revisions**

(a) DFARS 225-7012-3 is amended by removing in the first sentence of paragraph (a) the punctuation and words ", except for those asterisked."

(b) DFARS 204.7108-3(b) is revised to update the reference "Appendix K" to read "Appendix G".

Interim Rule Adopted as Final Without Change

**PARTS 219 AND 252—[AMENDED]**

1. Accordingly, the interim rules amending 48 CFR parts 219 and 252 which were published at 55 FR 19070 on May 8, 1990, are adopted as final rules without change.

**Amendments to DOD FAR Supplement (DAC #88-16)**

Therefore, the DoD FAR Supplement is amended as set forth below.

2. The authority for 48 CFR parts 204, 205, 208, 209, 214, 215, 216, 219, 225, 226, 231, 232, 235, 242, 245, 246, and 252, continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and FAR subpart 1.3.

**PART 204—ADMINISTRATIVE MATTERS****204.7108-3 [Amended]**

3. Section 204.7108-3(b) is amended by revising the reference "Section K" to read "Appendix G".

**PART 205—PUBLICIZING CONTRACT ACTIONS**

4. Section 205.203 is revised to read as follows:

**205.203 Publicizing and response time.**

(b)(S-70) When requested by a source located in a qualifying country or a designated country as defined in part 225, the contracting officer shall allow at least 45 days response time for receipt of bids or proposals from the date of issuance of the solicitation if this is consistent with Government requirements.

**PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES****208.405-1 [Amended]**

5. Section 208.405-1 is amended by adding paragraph (c) "(See 225.107)." at the end of the sentence.

6. Subpart 208.78 is revised to read as follows:

**Subpart 208.78—Forging Items Used for Military Application for Combat and Direct Combat Support Items**

Sec.

208.7801 Definitions.

208.7802 Policy.

208.7802-1 DoD forging items that must be acquired from United States and Canadian sources.

208.7803 Procedures.

**Subpart 208.78—Forging Items Used for Military Application for Combat and Direct Combat Support Items****208.7801 Definitions.**

*Domestic manufacture* means forging items manufactured in the United States or Canada.

*End item* means a final combination of end products, component parts, and/or materials which is ready for its intended use.

**208.7802 Policy.**

Except as provided in 208.7803, contracting officers shall require that forging items listed at 208.7802-1 acquired directly or incorporated into end items are of domestic manufacture. This restriction does not include forgings used for commercial vehicles or for noncombat support military vehicles.



**208.7802-1 DoD forging items that must be acquired from United States or Canadian sources.**

Items	Categories
Shipboard Forged Anchor Chain.	All.
Ship Propulsion Shafts.....	Excludes service and landing craft shafts.
Periscope Tubes.....	All.
Ring Forgings for Bull Gears.	All greater than 120 inches in diameter.
Large Caliber, Thick-Walled Cannon (105mm through 8-inch forgings).	Preform, gun tube, muzzle brake, and breach ring forgings.
60mm and 81mm Mortar Forgings.	Bipod, base plate, and body yoke forgings.
Small Caliber Weapons Forgings.	Barrel extensions, bolts, receivers, sights/handles, etc.
Tank and Automotive Forgings.	Turret rings, road arms, final drive gears, shafts, track shoes, axle shafts, flywheels, connecting rods, crankshafts, roadwheels, spindles, torsion bars.

**208.7803 Procedures.**

(a) Insert the clause at 252.208-7005, Required Sources for Forging Items, in all contracts except—

(1) When the contracting officer knows the item being acquired does not contain forging items listed in 208.7802-1;

(2) when purchases are made overseas for overseas use;

(3) If the quantity being acquired is greater than that required to maintain the U.S. defense mobilization base (provided the quantity above mobilization base needs constitutes an economical buy quantity), the quantity of items above the mobilization base requirement will not be subject to domestic manufacturing restrictions and shall be awarded competitively. NATO and other qualifying countries may compete for excess quantities consistent with part 225.

(b) The contracting officer may waive the requirements of 252.208-7005 after contract award on a case-by-case basis. Waivers may be granted when adequate domestic supplies of listed forging items are not available to meet DoD needs on a timely basis. Such waivers shall only apply for the time necessary for the contractor to acquire domestic forging items.

(c) A Canadian firm may supply restricted items in accordance with paragraph (c) of the clause at 252.208-7005.

**PART 209—CONTRACTOR QUALIFICATIONS**

7. Section 209.103 is amended by revising the title of paragraph (S-70) and by revising paragraph (S-70)(1) to read as follows:

**209.103 Policy.**

(S-70) *Acquisition from Foreign Concerns.* (1) Awards to concerns in qualifying countries are subject to this subpart 209.1.

**PART 214—SEALED BIDDING**

**214.202 [Amended]**

8. Section 214.202 is amended by adding the following paragraph: "See 225.7403 for procedures for purchasing from qualifying countries."

9. Section 214.202-1 is revised to read as follows:

**214.202-1 Bidding time.**

(a) *Policy.* When requested by a source located in a qualifying country or a designated country as defined in part 225, the contracting officer shall provide for a 45-day bidding period if this is consistent with the Government's requirements.

**214.207 [Amended]**

10. Section 214.207 is amended by placing a period after the reference "225.7403(a)" and removing the remainder of the phrase within the parentheses at the end of the section.

**PART 215—CONTRACTING BY NEGOTIATION**

11. A new section 215.401 is added to read as follows:

**215.401 Applicability.**

See 225.7403 for additional guidance on procedures for purchasing from qualifying countries.

12. Section 215.804-3 is amended by revising paragraph (b)(S-70) to read as follows:

**215.804-3 Exemptions from or waiver of submission of certified cost or pricing data.**

(b)(S-70) Adequate Price Competition in Dual Source Programs. (i) In the case of dual source programs, the determination of adequate price competition must be made on a case-by-case basis and contracting officers must exercise deliberation and thorough review in making such determination. Even in those cases where adequate price competition exists, it may still be appropriate, in certain cases, to obtain some data in support of the price analysis performed.

(ii) Adequate price competition normally exists when prices are solicited across a full range of step quantities, normally including a 0-100 per cent split, from at least two offerors who are individually capable of producing the full quantity, and

(A) The award is made to the offeror with the lowest evaluated price;

(B) When the award is split, if the combined price of both awards is the lowest evaluated price in the range of offers submitted; or

(C) When the combined price of both awards is not the lowest evaluated price in the range of offers submitted, the price reasonableness of all prices awarded is clearly established on the basis of price analysis.

(iii) The procedures in paragraphs (b)(S-70)(i) and (ii) of this subsection may also be used in multiple source acquisitions, including those for the mobilization base.

13. Section 215.805-5 is amended by revising paragraph (e)(6) to read as follows:

**215.805-5 Field pricing support.**

(e)(6) The CAO price/cost analyst is responsible for providing a complete and accurate field pricing report. This includes the quantification of technical findings; however, if the auditor requests technical information in accordance with paragraph (a)(2)(iv) of this subsection, the auditor will incorporate the financial effect of such technical findings in the audit report.

**PART 216—TYPES OF CONTRACTS**

**216.403 [Amended]**

14. Section 216.403 is amended by removing paragraph (c)(S-70).

**PART 225—FOREIGN ACQUISITION**

15. Section 225.000 is revised to read as follows:

**225.000 Scope of part.**

This part supplements FAR part 25 and provides special guidance for purchasing foreign defense supplies, services, and construction materials. This part also provides guidance for foreign military sales and research and development cooperative programs.

16. Section 225.101 is redesignated as 225.000-70 and is revised to read as follows:

**225.000-70 Definitions.**

As used through this part, the words and terms defined in this paragraph



shall have the meanings set forth below, unless a different definition is prescribed for a specific subpart.

(a) *Defense equipment* means any equipment, item of supply, component, or end product purchased by the Department of Defense.

(b) *Domestic end product*, instead of the definition at FAR 25.101, means an unmanufactured end product which has been mined or produced in the United States; or an end product manufactured in the United States if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50% of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or as to which the Secretary concerned has determined that it would be inconsistent with the

public interest to apply the restrictions of the Buy American Act (FAR 25.102(a)(3)).

(c) A *nonqualifying country* means any country other than the United States that is not listed in 225.7403.

(d) A *nonqualifying country component* means an item mined, produced, or manufactured in a nonqualifying country.

(e) A *nonqualifying country end product* means an end product which is not a domestic or qualifying country end product.

(f) *Nonqualifying country offer* means an offer of a nonqualifying country end product, including transportation to destination.

(g) *Qualifying country* means any country set forth at 225.7403.

(h) *Qualifying country component* means an item mined, produced, or manufactured in a qualifying country.

(i) *Qualifying country end product* means:

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if the cost of its qualifying country components and its components mined, produced or manufactured in the United States exceeds 50% of the cost of all of its components. The cost of components shall include transportation to the place of incorporation into the end product

and any duty, whether or not duty is in fact paid.

(j) *Qualifying country offer* means an offer of a qualifying country end product, including transportation to destination.

(k) *Source* (when restricted by such words as foreign, domestic, qualifying country, etc.) refers to the actual manufacturer or producer of the end product or component (product may encompass a report).

17. A new section 225.000-71 is added to read as follows:

#### 225.000-71 Policy.

(a) When issuing a solicitation for defense supplies, services, and construction materials where foreign participation is expected, and in evaluating offers where there is foreign participation, contracting officers must ensure that the solicitation and evaluation procedures comply with applicable statutes, regulations, and policies (for example, the Defense Appropriations Act, Trade Agreements Act, International Agreements and Memoranda, Buy American Act, and support a favorable international balance of payments).

(b) The following matrix provides a guide for the analysis to be performed on each offer of a foreign end product in response to a solicitation for supplies.

Step	If yes	If no
1. Is the acquisition of the product restricted by the Department of Defense (See part 208) or by the Defense Appropriations or Authorization Acts (See subpart 225.70)?	The specific restrictions of the Acts must be followed.....	Go to Step 2.
2. Is the product being offered a qualifying country end product?.....	Evaluate the offer as set forth in 225.74 (but see Step 4).....	Go to Step 3.
3. Is the product being purchased covered by the Trade Agreements Act? (See subpart 225.4).	Determine whether the product being offered is an eligible product. If it is, then evaluate offer IAW 25.402. If it is not, then purchase of the item may be prohibited (See 225.402). Follow the guidance in 209.170.....	Go to Step 4. Go to Step 5.
4. Will the contract (if for more than \$100,000) be awarded to a firm controlled by a terrorist nation?.....		
5. Apply the Buy American Act as set forth in subpart 225.1 .....		

18. Section 225.102 is revised and section 225.102-70 is added to read as follows:

#### 225.102 Policy.

(a) There are two tests that must be met to determine whether a manufactured item is a domestic end product. The end product must have been manufactured in the United States and the cost of its U.S. and/or qualifying country components must exceed 50% of the cost of all of its components (this test is applied to the prime contract only, and not to individual subcontracts). The evaluation factor for

the Buy American Act is specified in 225.105-70.

(2) *Unreasonable cost*. The Secretary of Defense has determined that the cost of a domestic end product is unreasonable if it is not the low evaluated offer when evaluated in accordance with 225.105-70.

(3) *Inconsistency with the public interest*. (i) Specific public interest exceptions for the Department of Defense are discussed at 225.103 and 225.105-70.

(ii) Although the evaluation procedures in 225.105-70 reduce overseas dollar expenditures resulting from defense acquisition at an

acceptable increase in budget costs, this is an average and overall result rather than one precisely obtained in each case. This is so because, both under the Buy American Act and as a matter of administrative practicability, items are classified either as "foreign" or "domestic" and varying degrees within each class are not recognized. However, the contracting officer should consider recommending a public interest exception where the low domestic offer will involve substantial foreign expenditures and/or the low foreign offer will involve substantial domestic expenditures. A determination to grant a



public interest exception on this basis shall be made by:

(A) The Head of the Contracting Activity for purchases under \$100,000.

(B) The Agency Head for purchases \$100,000 and over.

(4) *Nonavailability in the United States.* (i) In addition to the policy in FAR 25.102(a)(4) the Buy American Act does not apply to Department of Defense purchases involving components of end products manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. Certain items have been determined to be exempt under these exceptions in accordance with 225.108.

(ii) A nonavailability determination is not required for end products or components listed in paragraph (a)(4)(iii) of this section, in 225.108(d)(1), or in FAR 25.108(d)(1). Otherwise, acquisitions of foreign end products or components on the basis of nonavailability shall be made only after a determination of nonavailability has been made and the acquisition is approved:

(A) At a level above the contracting officer, if the amount involved is estimated not to exceed \$25,000;

(B) By the chief of the contracting office concerned, if the acquisition is estimated not to exceed \$250,000;

(C) By the head of the contracting activity (HCA) or immediate deputy, or in the case of the Defense Advanced Research Projects Agency (DARPA), the Director, DARPA, if the acquisition is estimated not to exceed \$2 million; or

(D) By the Secretary of the Department concerned, or designee at a level no lower than an HCA, if the acquisition is estimated to exceed \$2 million. In making such determination, and granting such approval, the feasibility of foregoing the requirement or providing a U.S. substitute shall be considered.

(iii) Acquisitions in the following categories may be made without determinations or approvals otherwise required by this subsection.

(A) Spare and replacement parts, if the acquisition must be restricted to the original manufacturer or supplier.

(B) Foreign drugs by the Defense Personnel Support Center when the Chief of the Division of Technical Operations, Directorate of Medical Material, has determined that only the requested foreign drug will fulfill the requirements.

#### 225.102-70 Preference for U.S. products.

It is DoD acquisition policy to implement the Buy American Act in a

manner that will encourage a favorable international balance of payments.

Therefore, the evaluation factor established in 225.105-70 shall be applied to offers of foreign end products from nonqualifying countries as prescribed in 225.7403 except for those purchases subject to the Trade Agreements Act (See FAR subpart 25.4).

19. Section 225.103 is revised to read as follows:

#### 225.103 Agreements with certain foreign governments. (See subpart 225.74).

(a) Based on the agreements set forth in Appendix T of this chapter, the Secretary of Defense has determined that application of the Buy American Act to the end products of the following countries would be inconsistent with the public interest.

Belgium  
Canada  
Denmark  
Egypt  
Federal Republic of Germany  
France  
Greece  
Israel  
Italy  
Luxembourg  
Netherlands  
Norway  
Portugal  
Spain  
Turkey  
United Kingdom of Great Britain and Northern Ireland

(b) Additionally, based on the agreements set forth in Appendix T of this chapter, application of the Buy American Act may be exempted on a purchase-by-purchase basis as being inconsistent with the public interest pursuant to 225.7403(a)(3)(ii)(A) for the end products of the countries listed below. This determination is delegated at the levels set forth under 225.102(a)(4)(ii):

Australia  
Sweden  
Switzerland

20. Section 225.105 is revised and section 225.105-70 is added to read as follows:

#### 225.105 Evaluating offers.

##### 225.105-70 Evaluation procedures.

In lieu of the procedures set forth in FAR 25.105, the following procedures are applicable to the Department of Defense:

(a) Except as provided in 225.103(b) and in paragraph (c)(1) of this section, a case-by-case determination is not required where the procedures of this section result in the acquisition of foreign end products.

(b) Evaluation factor. When evaluating offers of domestic end products against offers of qualifying or nonqualifying country end products:

(1) Each nonqualifying country offer shall be adjusted for the purpose of evaluation by adding a factor of 50% to the offered price (inclusive of duty) (see Example 1 in paragraph (f) of this subsection). Nonqualifying country offers will include duty in the offered price. If award is made on the nonqualifying country offer and duty is to be exempted through the inclusion of the clause at FAR 52.225-10, the award price shall be the offered price minus the amount of duty identified by the offeror in the clause 252.225-7029.

(2) Offers of domestic and qualifying country end products shall be evaluated without the factor.

(3) When more than one line item is offered in response to a solicitation, the factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items if the solicitation specifically provides that award be made on a particular group of items.

(c) If the application of the factor in paragraph (b) of this subsection would not result in the award of a domestic offer, e.g., the domestic offer is higher than a qualifying country offer (see Example 2 in paragraph (f) of this subsection), or when no domestic offers are received (see Example 3 in paragraph (f) of this subsection), all offers shall be evaluated without the factor.

(1) Where no domestic offer is received and award is made on a nonqualifying country offer, a nonavailability determination must be processed in accordance with 225.102(a)(4)(ii).

(2) Where duty is to be exempted through the inclusion of the clause at FAR 52.225-10, the nonqualifying country offer shall be evaluated exclusive of duty by reducing the offered price by the amount of duty identified in the clause 252.225-7029. If award is made on the nonqualifying country offer, the award price shall be the price as reduced by duty and used for evaluation.

(3) Where the clause at FAR 52.225-10 is not included and duty is to be paid by the Government, the nonqualifying country offer shall be evaluated (and, if low, awarded) as submitted, i.e., inclusive of duty.

(d) If these procedures result in a tie between a nonqualifying country offer, as evaluated, and a domestic offer, award shall be made on the latter.



Otherwise, use the tie breaking procedures in FAR 14.407-6.

(e) Offers of eligible products under acquisitions subject to the Trade Agreements Act shall be treated as if they were qualifying country offers under the evaluation procedures above.

(f) *Examples.*

#### Example 1

Alternate I: Duty Not Exempted for Nonqualifying Country Offers:  
Nonqualifying Country Offer (including \$100 duty).....\$6,000  
Domestic Offer.....8,900  
Qualifying Country Offer.....9,100

*Award on Domestic Offer.* The 50% evaluation factor is added to the nonqualifying country offer, inclusive of duty, yielding an evaluated price of \$9,000.

Alternate II: Duty Exempted:  
Nonqualifying Country Offer (including \$1,000 duty).....\$600,000  
Domestic Offer.....910,000  
Qualifying Country Offer.....920,000

*Award on Nonqualifying Country Offer.* The addition of the evaluation factor would not result in the award of a domestic offer, therefore, all offers are evaluated without the factor. Since duty is being exempted for nonqualifying country offers, the duty is subtracted from the offered price which is evaluated and awarded at \$599,000.

#### Example 2

Alternate I: Duty Not Exempted for Nonqualifying Country Offers:  
Nonqualifying Country Offer (including \$100 duty).....\$6,000  
Domestic Offer.....8,500  
Qualifying Country Offer.....7,800

*Award on Nonqualifying Country Offer.* In this case, the application of the evaluation factor to the nonqualifying country offer results in a price (\$9,000) that is higher than the other two offers, but would not result in the award of a domestic offer, since the qualifying country offer is low. Therefore, all offers are evaluated without the factor. Since duty is not being exempted for nonqualifying country offers, the offer is evaluated and award is made at the price inclusive of duty (\$6,000).

Alternate II: Duty Exempted:  
Nonqualifying Country Offer (including \$1,000 duty).....\$880,500  
Domestic Offer.....950,000  
Qualifying Country Offer.....880,000

*Award on Nonqualifying Country Offer.* Again, the addition of the evaluation factor would not result in the award of a domestic offer and all offers are evaluated without the factor. Since duty is being exempted for nonqualifying country offers, the duty identified by the offeror is subtracted from the offered price, which is evaluated and awarded at \$879,500.

#### Example 3

Alternate I: Duty Not Exempted for Nonqualifying Country Offers:  
Nonqualifying Country Offer (including \$1,000 duty).....\$10,000  
Qualifying Country Offer.....9,500

*Award on Qualifying Country Offer.* Since no domestic offers are received, the foreign offers are evaluated without the evaluation factor. Since duty is not being exempted and would be paid by the Government, the nonqualifying country offer is evaluated inclusive of duty.

Alternate II: Duty Exempted:  
Nonqualifying Country Offer (including \$1,000 duty).....880,500  
Qualifying Country Offer.....880,000

*Award on Nonqualifying Country Offer.* Since duty is being exempted, duty is subtracted from the nonqualifying country offer, which is evaluated and awarded at \$879,500.

(g) Notwithstanding the above procedures, there is no restriction on the authority or responsibility of the cognizant Secretary to restrict acquisitions to domestic sources or reject an otherwise acceptable offer from a qualifying country source in those instances where such restriction or rejection is considered necessary for reasons of the national defense.

(h) Purchases made pursuant to FAR 6.302-3(a)(2)(i) or in accordance with part 208, will be restricted to domestic sources for those items. In those instances when it has been determined prior to solicitation that the item is to be restricted to domestic sources, offerors shall be so notified in the solicitation. Note that in most cases, Canada is considered part of the domestic mobilization base. Consequently, Canadian offers would not be subject to the restriction applicable to foreign sources.

21. Section 225.107 is revised and sections 225.107-70 and 225.107-71 are added to read as follows:

#### 225.107 Acquisition from or through other government agencies.

The evaluation procedures of 225.105-70 are not applicable to transactions described in FAR 25.107 (a), (b) and (c).

#### 225.107-70 Evaluation when using Federal Supply Schedules.

Defense activities must comply with the evaluation procedures required by 225.105-70 when using Federal Supply Schedules.

#### 225.107-71 Evaluation under coordinated acquisition.

In the case of coordinated acquisition under part 208, compliance with the evaluation procedures required by 225.105-70 is the responsibility of the contracting department, except when the requiring department specifies a foreign end product; in which case, the determination that a domestic end product is not available, including consideration of foregoing the acquisition or providing a U.S.

substitute, shall be the responsibility of the requiring department.

22. Section 225.109 is revised and section 225.109-70 is added to read as follows:

#### 225.109 Solicitation provisions and contract clauses.

(a)(S-70) The provision at 252.225-7000, Buy American Act-Balance of Payments Program Certificate, shall be used in lieu of the provisions at FAR 52.225-1, Buy American Certificate, and FAR 52.225-6, Balance of Payments Program Certificate, and shall be inserted in any solicitation which includes the clause at 252.225-7001, unless the solicitation is solely for machine tools (see 225.7012).

(b) When quotations are obtained orally, vendors shall be informed that only domestic and qualifying country end products shall be acceptable, other than those items which have been excepted either on a blanket or an individual basis, or the price of the offered foreign end product meets the evaluation criteria in 225.105-70.

(d)(S-70) The clause at 252.225-7001, Buy American Act and Balance of Payments Program, shall be used in lieu of the clauses at FAR 52.225-3, Buy American Act-Supplies, and FAR 52.225-7, Balance of Payments Program, unless the solicitation is solely for machine tools (see 225.7012). The contracting officer shall insert the clause at 252.225-7001 in all solicitations and contracts:

(i) Not utilizing small purchase procedures,  
(ii) Which do not contain the clause at 252.225-7006, and

(iii) For supplies and for services, which services require the furnishing of supplies (e.g. the leasing of equipment), except as cited in 225.302(S-72)(1).

(S-71) The contracting officer shall insert the clause at 252.225-7002, Qualifying Country Sources at Subcontractors, whenever the clause at 252.225-7001 or the clause 252.225-7006 is used in the solicitation or contract.

(S-72) The clause at 252.225-7029 shall be used in all solicitations where the clause at 252.225-7001 is used.

#### 225.109-70 Solicitation of offers.

Solicitations shall state that the specific information as to articles, materials, and supplies excepted from these procedures (see 225.108(d)(1)) is available to prospective contractors upon request. When only domestic end products are acceptable, the solicitation shall so state.



**225.302 [Amended]**

23. Section 225.302(a)(S-72)(1)(viii) is removed and reserved.

**225.304 [Removed]**

24. Section 225.304 is removed.

25. Section 225.401 is revised to read as follows:

**225.401 Definitions.**

*Eligible product*, instead of the definition at FAR 25.401, means a designated or Caribbean Basin country end product listed at 225.403-70.

26. Section 225.402 is revised to read as follows:

**225.402 Policy.**

(a)(1)(i) For the application of duty for bid evaluation purposes see 225.105-70 and subpart 225.6.

(ii) *Estimated Acquisition Value for Multiple Line Item Solicitations*. In estimating the value of an acquisition for the purpose of determining whether the acquisition meets the dollar threshold of the Trade Agreements solicitations containing multiple line items shall be treated in the following manner:

(A) Estimates for line items of eligible products which represent the same item and differ only as to delivery period or location shall be totaled.

(B) Estimates for line items of eligible products which represent essentially different items being combined under a single solicitation shall be considered individually.

(C) There shall be no purchase of a foreign end product listed in 225.403-70 with an estimated value at or above the dollar threshold determined by the U.S. Trade Representative (see FAR 25.402(a)(1)) which is not an eligible product except as follows:

(1) National interest waivers under section 302(b)(2) of the Act must be approved on a case-by-case basis. Except as delegated in paragraphs (c)(1)(i) through (iii) of this section, a waiver request with supporting rationale shall be submitted in accordance with Departmental procedures to DASD(P).

(i) *Nonavailability*. Authority for national interest waivers on the basis of nonavailability is delegated to the chief of the contracting office concerned where the solicitation is synopsisized in accordance with FAR 5.203 and the acquisition is made under full and open competition, and no offers of domestic or eligible products are received, or offers of eligible products or domestic end products from responsive, responsible offerors are insufficient to fill the Government's requirements. In such cases, all responsive, responsible offers of domestic and eligible products

must be accepted prior to acceptance of any other offers. Determinations must be made on a case-by-case basis and shall be in the form of a written D&F.

(ii) *Purchase by overseas purchasing activities of products critical for support of U.S. forces stationed abroad*. Authority for national interest waivers for purchases by overseas purchasing activities of products critical for support of U.S. forces stationed abroad is delegated to the head of the contracting activity. Such determinations must be made on a case-by-case basis, shall be in the form of a written D&F and shall be supported by a written statement from the commander of the requiring activity that the requirement is critical for the support of U.S. forces stationed abroad.

(iii) *Purchases of fuel for use by U.S. forces overseas*. Authority for national interest waivers for purchases of fuel for use by U.S. forces overseas is delegated to the Commander, Defense Fuel Supply Center.

(2) End products from qualifying countries listed at 25.7403.

(e) Where competition from foreign sources is restricted under the authority of FAR 6.302-7, a copy of the justification for restricting competition must also be provided in accordance with FAR 25.402(e) and FAR 6.303-1(d).

27. Section 225.403(d) is revised and section 225.403(S-70) is redesignated as 225.403-70 and the introductory text is revised to read as follows:

**225.403 Exceptions.**

(d)(1) In the event a Department considers an individual acquisition of such a listed product listed at 225.403-70 to be a purchase "indispensable for national security or national defense purposes," and is, therefore, appropriate for exclusion from the provisions of this subpart, a request with supporting rationale shall be submitted in accordance with Departmental procedures for approval by DASD(P) or designee. The following are national security/national defense exceptions which do not require approval by DASD(P) or designee:

(i) Where purchase from foreign sources has been restricted by the Department of Defense Annual Appropriations or Authorization Acts (see subpart 225.70) or by the establishment of required sources of supplies and services under FAR part 8 or 208.

(ii) Where competition from foreign sources is restricted using the authority of FAR 6.302-3(a)(2)(i). A copy of the justification for restricting competition must be provided to DASD(P) in

accordance with FAR 25.402(e) and FAR 6.303-1(d).

**225.403-70 List of products.**

The following list is arranged according to Federal Supply Classifications (FSC). If an item is not within an FSC listed below, the Trade Agreements Act does not apply. As noted in FAR 25.401, Caribbean Basin country end products are limited to those which are eligible for duty-free treatment under 19 U.S.C. 2703(b). The list of products has been annotated to indicate those products which are eligible for designated countries, but are not presently eligible for Caribbean Basin countries due to this limitation. Note: Most of the excluded product categories for Caribbean Basin countries mentioned in FAR 25.401 are not mentioned in the following list, such as textiles, apparel articles, flat goods, footwear, handbags, work gloves, leather wearing apparel, and tuna, because these products do not fall into any of the product categories due to other restrictions on foreign purchases.

28. Section 225.405 is revised to read as follows:

**225.405 Procedures.**

(d) The requirements of FAR 25.405(d) do not apply to offshore procurements or to Defense Fuel Supply Center post, camp, or station overseas requirements. (See 225.501.)

29. Section 225.407 is revised and sections 225.407-70 and 225.407-71 are added to read as follows:

**225.407 Solicitation provision and contract clause.**

(a)(1) The provision, Buy American Act-Trade Agreements Act-Balance of Payments Program Certificate at 252.225-7005, shall be used in lieu of the provision at FAR 52.225-8 in all solicitations in which the Buy American Act, Trade Agreements Act, and the Balance of Payments Program clause at 252.225-7006 is used.

(2) The clause at 252.225-7006, Buy American Act, Trade Agreements Act, and the Balance of Payments Program, shall be used in lieu of the clause at FAR 52.225-9 and shall be inserted along with the clause at 252.225-7002, Qualifying Country Sources as Subcontractors, in all solicitations and contracts subject to the Trade Agreements Act. The clause at 252.225-7001 shall not be used where the clause at 252.225-7006 is used.



**225.407-70 Identification of covered item under multiple line item solicitation.**

The clause prescriptions at 225.407(a)(1) and (2) shall apply where any item under a multiple item solicitation is determined to be subject to the Act. The application of the procedures in 225.402(a)(1)(ii) and/or the acquisition of noneligible and eligible products under the same solicitation may result in the application of the Trade Agreements Act to only some of the items being solicited. In such a circumstance, the contracting officer will indicate, in the schedule, those items covered by the Act and provide reference to clauses 252.225-7005 and 252.225-7006.

**225.407-71 Information for duty free entry evaluation.**

The clause at 252.225-7029, Information for Duty Free Entry Evaluation, shall be inserted in all solicitations whenever the clause at 252.225-7006 is used.

30. Subpart 225.6 is revised to read as follows:

**Subpart 225.6—Customs and Duties****Sec.**

225.600 Scope of subpart.

225.602 Policy.

225.603-70 Procedures.

225.604-70 Exempted supplies.

225.605 Solicitation provision and contract clause.

225.605-70 Duty-free entry—Qualifying country end products and supplies.

**Subpart 225.6—Customs and Duties****225.600 Scope of subpart.**

This subpart sets forth policies and procedures for exempting from import duty certain supplies that are imported into the United States in connection with Defense contracts and for the treatment of duty in the evaluation of offers of foreign supplies. Further guidance on the treatment of duty in the evaluation of foreign supplies to the Buy American Act is in subpart 225.1

**225.602 Policy.**

(a) Defense supplies may be imported duty-free pursuant to section XXII, chapter 98, subchapter VIII, item 9808.00.30 of the Harmonized Tariff Schedule of the United States; and certain supplies (not including equipment) for vessels or aircraft operated by the United States may be imported duty-free pursuant to 19 U.S.C. 1309. It is DoD policy that duty-free entry certificates will be issued for qualifying country supplies, including end products and components, on all defense contracts, and for eligible products on defense contracts subject to the Trade Agreements Act. (The policy

for duty-free entry for eligible products applies only to end products, not to components.)

(b) For defense contracts involving importation of other foreign supplies, duty-free entry certificates will be issued wherever there is reasonable assurance that the administrative and other costs of processing and controlling the certificates will not exceed the amount of duty that would be paid.

(c) Duty shall not be included in the contract price for supplies which are to be accorded duty-free entry and, except as required under the evaluation procedures for the Buy American Act (see 225.105-70), duty for such items shall not be evaluated in the offered price. The evaluation of duty under subpart 225.1 does not preclude duty-free entry if it is consistent with the policies set forth in paragraphs (a) and (b) of this section. Wherever duty is to be paid by the Government, the duty shall be included in the contract price and evaluated as part of the offer.

(d) The use of duty-free entry certificates for nonqualifying items should not result in unanticipated profits to contractors. As a rule, a contractor which has been awarded a fixed-price contract based on providing a domestic or qualifying country end product, component or supplies cannot subsequently furnish a nonqualifying country end product, component or supplies without an appropriate reduction in contract price.

**225.603-70 Procedures.**

(a) The following procedures shall be used in lieu of those in FAR 25.603.

(b) *General.* (1) To ensure that the policy of 225.602 is carried out, the clauses at FAR 52.225-10 and 252.225-7014 of this supplement shall be included in each solicitation and in resulting contracts where the contract value is estimated to be over \$100,000 and in all acquisitions subject to the Trade Agreements Act. Notwithstanding this dollar limit, the clauses may be inserted in any other solicitation or negotiated contract when the contracting officer determines that to do so would further the policy in 225.602.

(2) The policy to afford duty-free entry to qualifying country end products and supplies is implemented by the inclusion of the clause at 252.225-7008 in most solicitations and contracts (See 225.605-70).

(3) When the contracting officer has determined, in accordance with the policy of 225.602(a), that duty-free entry will be granted to items imported under a resulting contract, and includes the clauses at FAR 52.225-10 and 252.225-7014 of this supplement and/or at

252.225-7008, the provision at 252.225-7007 shall be included in the solicitation and contract to identify the specific supplies which are entitled to duty-free entry.

(4) The clauses at 252.225-7001 and 252.225-7006 require offerors to include duty in the offered price for nonqualifying country end products, components and supplies. The inclusion of duty in the offered price is necessary for the evaluation of nonqualifying country offers under the Buy American Act (see subpart 225.1). Since it is also necessary to exclude from the contract price all duties to be exempted through the issuance of duty-free entry certificates, the contracting officer must reduce the offered price by the amount of duty identified in clause 252.225-7029.

(5) Duty shall not be exempted and duty-free entry certificates shall not be issued for end products, components or supplies already entered into the customs territory of the United States for which duty has already been paid.

(6) Duty-free entry certificates shall be issued as required for contracts containing the clauses prescribed by 225.605. Consistent with 225.602, duty-free entry certificates may also be issued in connection with any other contract (i.e. one not containing an appropriate clause) that falls within one of the following categories:

(i) Direct purchases of foreign supplies under a DoD prime contract, whether title passes at point of origin or at destination in the United States; *provided*, the contract states that the final price is exclusive of duty;

(ii) Purchases of foreign supplies by a domestic prime contractor under a cost-reimbursement type contract or by a cost-reimbursement type subcontractor (where no fixed-price prime or fixed-price subcontract intervenes between the purchaser and the Government), whether title passes at point of origin or at destination to the United States. If a fixed-price prime or fixed-price subcontract intervenes, the criteria stated in paragraph (b)(6)(iii) of this section should be followed; and

(iii) Purchases of foreign supplies by a fixed-price domestic prime contractor, a fixed-price subcontractor, or a cost-type subcontractor where a fixed-price prime contract, or fixed-price subcontract intervenes; *provided*:

(A) The fixed-price prime contract and, where applicable, fixed-price subcontract prices are, or are amended to be, exclusive of duty;

(B) The prime contractor and, where applicable, the subcontractors concerned certify that the supplies so purchased are to be delivered to the



Government or incorporated in Government-owned property or in an end product to be furnished to the Government, and that the duty will be paid if such supplies or any portion thereof are utilized for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and

(C) Such acquisition abroad is authorized by the terms of the contract, the applicable subcontract, or by the contracting officer.

In any case, the procedures required by the clauses prescribed in 225.605 shall be followed to the extent practicable.

(7) When the clauses cited at 225.605 are used, the contracting officer shall list in the contract the name and address of the CAO administering the contract and its activity address number (Appendix N of this chapter) in paragraph (d) of the clause at 252.225-7014 or paragraph (k) of the clause at 252.225-7008.

(c) *Formal entry and release.*—(1) *CAO responsibilities.* The contracting officer assigned to administer the contract must ensure that prime contractors are aware of and understand any Duty-Free Entry clause requirements. Contractors should understand that failure by them or their subcontractors to include the data required by the clause will result in the shipment being treated as a shipment without benefit of free entry under section XXII, chapter 98, subchapter VIII, item 9808.00.30 of the Harmonized Tariff Schedule of the United States.

(2) *Duty-free entry entitlements.* Upon receipt of the required notice of purchase of foreign supplies from the prime contractor or any tier subcontractor, the contracting officer administering the prime contract will verify the duty-free entitlement of goods to be entered under the contract. A review of the prime contract should ensure foreign supplies (quantity and price) identified in the notice are required for the performance of the contract.

(3) *Adjustment to prime contract price.* When notification is received from the contractor by the administrative contracting officer indicating that a foreign purchase is being placed that was not identified at the time of the prime contract award, a reduction to the prime contract price may be required in accordance with the Duty-Free Entry clause at FAR 52.224-10 pursuant to 225.603-70(a)(6) of this supplement. After determining the amount of duty that would be payable if duty-free entry certificates were not issued, an equitable adjustment to the

prime contract price shall be made unless otherwise approved by the procuring contracting officer. Unless retained in accordance with 242.203, the authority to negotiate and issue such modifications reducing the contract price has been delegated to the ACO in accordance with 242.302(a)(S-73). After determining the price of foreign supplies exclusive of duty, the contracting officer administering the contract shall advise the contractor that that amount will be the maximum dollar value of supplies for which duty-free entry certificates will be issued.

(4) *Data required by DCMR New York.* (i) Within 20 days of receipt of the notification of purchase of foreign supplies, ACOs will forward the following information to DCMR New York in the format shown below:

To: Commander, DCMR New York, ATTN: Chief, Customs Division, International Logistics Office, 201 Varick Street, New York, NY 10014.

A contractor notification of the purchase of foreign supplies has been received in accordance with FAR 52.225-10 and 252.225-7014 or 252.225-7008. Verification has been made that foreign supplies are required for the performance of the contract. If required, the prime contract price has been or will be adjusted in accordance with 225.603-70(c)(3).

In accordance with 225.603-70(c)(4), the following information is provided:

Prime Contractor Name:  
Prime Contractor Number plus Delivery Order Number, if applicable:  
Total Dollar Value of the Prime Contract or Delivery Order:  
Expiration Date of the Prime Contract or Delivery Order:  
Foreign Supplier Name:  
Number of the Subcontract/Purchase Order for Foreign Supplies:  
Total Dollar Value of the Subcontract for Foreign Supplies:  
Expiration Date of the Subcontract for Foreign Supplies:  
CAO Activity Address number (Appendix N of the DoD FAR Supplement):  
Signature:  
Title:

(ii) If a contract modification results in a change to any data previously furnished to DCMR New York to verify duty-free entitlement, a revised notification of the changed data shall be forwarded to DCMR New York.

(5) *Customs forms and duty-free entry certificates.*—(i) *Execution of duty-free entry certificates.* The responsibility for issuing duty-free entry certificates for foreign supplies purchased under a DoD contract or subcontract rests with the Chief, Customs Division, International Logistics Office, DCMAO New York. Upon receipt of import documentation for incoming shipments from the contractor, its agent, or the U.S. Customs Service, the Chief, Customs Division,

International Logistics Office, DCMAO New York will verify the duty-free entitlement and execute the duty-free entry certificate.

(ii) *Customs import documentation.* Upon arrival of foreign supplies at ports of entry, the consignee, generally the contractor or its agent (import broker) for shipments to other than a military installation, will file U.S. Customs Forms 7501, 7501A, or 7506 and U.S. Customs Form 3461, with the District Director of Customs.

(d) Importations made in the name of a military facility within the Department of Defense or being shipped directly to a military facility shall be entitled to release under the immediate delivery procedure. A DoD Immediate Delivery Application has been approved and is on file at Customs Headquarters. The Application is for an indefinite period and is good for all Customs districts, areas, and ports.

#### 225.604 Exempted supplies.

(b) *Supplies for vessels or aircraft operated by the United States.* (1) The term "certain supplies (not including equipment)" includes articles known as "stores", such as food, medicines and toiletries, and, in addition, all consumable articles necessary and appropriate for the propulsion, operation, and maintenance of the vessel or aircraft, such as fuel, oil, gasoline, grease, paint, cleansing compounds, solvents, wiping rags, and polishes. It does not include portable articles necessary and appropriate for the navigation, operation or maintenance of vessel or aircraft and for the comfort and safety of the persons on board, such as rope, bolts and nuts, bedding, china and cutlery, which are included in the term "equipment." The procedures to be followed in the issuance of such certificates shall be prescribed by the respective departments.

(2) The duty-free entry certificate referred to in this paragraph shall be printed, stamped, or typed on the face of Customs Form 7501, or attached thereto, and shall be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

(Date) \_\_\_\_\_  
I certify that the acquisition of this material constituted a purchase of supplies by the United States for vessels or aircraft operated by the United States, and is admissible free of duty pursuant to 19 U.S.C. 1309.  
(Name) \_\_\_\_\_  
(Title) \_\_\_\_\_  
(Organization) \_\_\_\_\_



**225.605 Solicitation provision and contract clauses.**

(a) When the contract is required to contain the clause at FAR 52.225-10, the contracting officer shall include the clause at 252.225-7014. These clauses may be inserted in any other negotiated contract when the contracting officer determines that to do so would further the policy in 225.602 and in any such case, the dollar figure in paragraphs (b)(1) and (i)(2) of the clause in FAR 52.225-10 may be reduced appropriately.

(c) The provision at 252.225-7007 will be used to list specific supplies that the contracting officer knows will be accorded duty-free entry in accordance with 225.603.

**225.605-70 Duty-free entry—Qualifying country end products and supplies.**

The clause at 252.225-7008 shall be inserted in all contracts for supplies and in all contracts for services involving the furnishing of supplies, except when simplified small purchase procedures are used or in contracts for supplies exclusively for use outside the United States.

31. Section 225.7000 is revised to read as follows:

**225.7000 Scope of subpart.**

This subpart implements restrictions applicable to only the Department of Defense. However, reference should be made to the current Department of Defense Appropriations and Authorization Acts as a check on the current applicability of these restrictions.

32. Sections 225.7011 and 225.7011-1 are added to read as follows:

**225.7011 Restriction on acquisition of polyacrylonitrile (PAN) based carbon fiber.**

DoD has determined that all new major systems must use domestic or Canadian sources for all PAN carbon fiber requirements to meet the goals of Section 8088, Public Law 100-202. Section 8088, Public Law 100-202 and subsequent appropriations acts require the Secretary of Defense to take such action as necessary to ensure by fiscal year 1992 that a minimum of 50 percent of the annual DoD requirements for PAN carbon fibers are acquired from domestic sources.

**225.7011-1 Procedures.**

(a) Insert the clause at 252.225-7030 in all major system acquisition programs (as defined in FAR part 34) not yet in production (Milestone III as defined in DoD Instruction 5000.2).

(b) Contracting officers may waive the requirement in the clause in whole or in part with the approval of the Head of

the Contracting Activity. For example, a waiver is justified where a qualified domestic or Canadian source cannot meet scheduling requirements.

**225.7012-3 [Amended]**

33. Section 225.7012-3 is amended by removing in the first sentence of paragraph (a) the punctuation and words ", except for those asterisked,".

34. Section 225.7014 is added to read as follows:

**225.7014 Restriction on acquisition of anchor and mooring chain.**

(a) Under Public Law 100-463, Section 8089, and subsequent laws, no Fiscal Year 1989 or later funds shall be used to procure welded shipboard anchor and mooring chain (four inches in diameter and under) manufactured outside the United States. The contracting officer shall insert the clause at 252.225-7025, Restriction on Acquisition of Foreign Anchor and Mooring Chain, in all contracts using Fiscal Year 1989 or later funds requiring anchor or mooring chain.

(b) Under Public Law 100-202, Section 8125, no Fiscal Year 1988 funds shall be used to procure welded shipboard anchor and mooring chain (four inches in diameter and under) manufactured outside the United States, its territories or possessions, or Canada. When adequate domestic supplies of chain are not available to meet contract requirements on a timely basis, the chain may be procured from other countries on a case-by-case basis as determined by the Head of the Agency concerned. The contracting officer shall insert the clause at 252.225-7026, Restriction on Acquisition of Foreign Anchor and Mooring Chain (Fiscal Year 1988), in all contracts using Fiscal Year 1988 funds requiring anchor or mooring chain.

35. Section 225.7310 is amended by revising paragraph (a); by revising the first sentence of paragraph (b)(2) to read: "When authorized, offset provisions typically require the Military Departments or U.S. prime contractors, or both, to identify items for foreign sources to obtain contracts in accordance with the terms and conditions of the particular DoD offset agreement."; by revising the first sentence of paragraph (b)(3) to read: "If an exception is granted pursuant to paragraph (b)(1) of this section, the policy of the Department of Defense is that the domestic concerns involved in the FMS and the foreign customer will make suitable arrangements to fulfill an FMS/offset arrangement."; by revising in the last sentence of paragraph (b)(4) the acronym "OASD(P&L)(P)" to read

"DASD(P)PC"; by revising paragraph (c); and by removing paragraph (d) to read as follows:

**225.7310 Implementation of offset arrangements negotiated pursuant to foreign military sales arrangements.**

(a) *Scope.* This section sets forth policies and procedures concerned with the fulfillment of Department of Defense offset arrangements negotiated pursuant to an FMS agreement (commonly referred to as an "FMS/offset arrangement"). The purpose of an FMS/offset arrangement is to fulfill commitments negotiated pursuant to an FMS agreement. The general policy with regard to the fulfillment of these commitments is to exempt the FMS country's products from the requirements of the Buy American Act on a case-by-case consistent with the guidance in 225.7310(b)(2). In general, it is not appropriate to establish an offset goal or objective. If, however, in special circumstances it is deemed to be in the national interest to establish an offset goal or objective, the offset goal or objective may be stated as either a certain percentage of the FMS agreement dollar value, or a specific dollar amount, or a combination thereof.

(c) *Procedures.* Whenever an FMS agreement involves a single major weapon system, the department responsible for acquisition of the weapon system will be responsible for managing any resulting FMS/offset arrangement. If an FMS agreement involves the sale of items from two or more departments, OASD(P&L) may either direct that one department be responsible for coordinating the implementation of the FMS/offset arrangement, or apportion responsibility for managing the offset program among two or more departments.

**225.7314 [Removed]**

36. Section 225.7314 is removed.

**Subpart 225.74—[Amended]**

37. Subpart 225.74 is amended by substituting in the title the word "Qualifying" in lieu of the words "NATO Participating".

38. Sections 225.7400 through 225.7404 are revised to read as follows:

**225.7400 Scope of subpart.**

This subpart implements the Memoranda of Understanding (MOU) and other international agreements between the United States and qualifying countries set forth in Appendix T of this chapter.



**225.7401 Policy.**

DoD policy with regard to the application of domestic preference laws and programs to offers of products from countries listed at 225.7403 is based on the agreements set forth in Appendix T of this chapter. Accordingly, offers of defense equipment from qualifying countries may be exempt from domestic preference laws and programs. (See 225.7402 and 225.7403).

**225.7402 Exceptions.**

(a) This subpart applies except where restricted by:

(1) Provisions of U.S. National Disclosure Policy (NDP), DoD Directive 5230.11;

(2) U.S. defense mobilization base requirements which are purchased under the authority of FAR 6.302-3(a)(2)(i) (See 225.7406 for a representative list of excluded items and application to Canadian Planned Producers.);

(3) U.S. laws or regulations (e.g., the annual DoD Appropriations Act—(225.70)); and

(4) U.S. Industrial Security Requirements.

(b) This subpart does not apply to construction contracts.

**225.7403 Procedures for purchases from qualifying countries.**

(a) *Solicitation procedures*—(1) *Solicitation of sources in qualifying countries.* (i) Qualifying country sources shall be included on bidders mailing lists and comparable source lists upon request by such sources in accordance with the procedures in FAR 14.205. Requests of this nature should be forwarded by a qualifying country sources to the activity having acquisition responsibility for the supplies involved.

(ii) The normal criteria for soliciting and making awards under FAR part 19 for small business concerns and FAR part 20 for labor surplus area firms shall be utilized without regard to the fact that there are potential qualifying country sources for the end product, except items developed under the U.S./Canadian Development Sharing Program (See Appendix T of this chapter.) Offers of qualifying country end products, shall not be considered on any acquisition, or part thereof, identified for the exclusive participation for such firms.

(iii) Solicitations shall be sent directly to qualifying country sources except when restricted by 225.105-70, 225.7402, 225.7405 and paragraph (a)(1)(ii) of this section. In addition, Canadian sources shall also be solicited through the Canadian Commercial Corporation in accordance with 225.7104.

(iv) When solicitation destinations are outside the United States, international air mail shall be utilized where security classification permits (see FAR 14.202 and FAR 14.203).

(v) If unusual technical or security requirements would preclude the acquisition of otherwise acceptable defense equipment from qualifying country sources, the need for such requirements should be specifically reviewed. Under no circumstances will unusual technical or security requirements be imposed solely for the purpose of precluding the acquisition of defense equipment from qualifying countries.

(vi) Qualifying country sources shall not be automatically excluded from submitting offers because their supplies have not been tested and evaluated by a department. Departments which find it necessary to limit solicitations to sources whose items have been service tested and evaluated by the department shall make provision for considering supplies from qualifying country sources which have been tested and accepted by the qualifying country for service use, subject to U.S. confirmatory test, if necessary. Where it appears that these provisions might adversely delay service programs, the concurrence of the Department of Defense Acquisition Executive, USDA, shall be obtained prior to exclusion of the qualifying country item from consideration. Sufficiency of qualifying country service testing should be considered on a case-by-case basis. When confirmatory tests of qualifying country end products are deemed necessary by the department, U.S. test and evaluation standards, policies, and procedures shall apply.

(vii) Subject to 225.7402, industry representatives from a qualifying country shall be permitted to attend symposia, program briefings, prebid conferences (FAR 14.207 and FAR 15.409), and like meetings which address U.S. defense equipment needs and requirements. When practical, these meetings should be structured so as to allow attendance by representatives of qualifying country concerns.

(2) *Submission of offers.* Qualifying country sources competing for DoD requirements must be responsive to the terms and conditions of DoD solicitations.

(3) *Evaluation of offers from qualifying country sources.* (i) It is inconsistent with the public interest to apply the restrictions of the Buy American Act, and the Balance of Payments program with respect to acquisition of defense equipment (but, see 225.7402(b) for construction contracts) which is mined, produced, or

manufactured in any of the following qualifying countries:

Belgium  
Canada  
Denmark  
Egypt  
Federal Republic of Germany  
France  
Greece  
Israel  
Italy  
Luxembourg  
Netherlands  
Norway  
Portugal  
Spain  
Turkey  
United Kingdom of Great Britain and Northern Ireland

Therefore, offers of end products from these listed qualifying countries shall be evaluated in accordance with 225.105-70 and subpart 225.3.

(ii) Individual acquisitions for products of the following qualifying countries may be exempted from application of the Buy American Act and Balance of Payments Program:

Australia  
Sweden  
Switzerland

(A) Offers of end products from the countries listed in paragraph (a)(3)(ii) of this section shall be evaluated as required by 225.7403(a)(3)(i). If after such evaluation the offer from the above listed country is low or otherwise eligible for award, the contracting officer shall request exemption of the Buy American Act as inconsistent with the public interest.

(B) To obtain an exemption of the Buy American Act under FAR 25.102(a)(3) the contracting officer shall process a Determination and Findings for signature at the appropriate level as set forth at 225.102(a)(4)(ii). The Determination and Findings shall be substantially as follows for end items, or modified as necessary for components:

**Service or Agency**

*Exemption of the Buy American Act (41 U.S.C. 10a-d)*

**Determination and Findings**

Upon the basis of the following findings and determination which I hereby make in accordance with the provisions of FAR 25.102, acquisition of (qualifying country—identify country) (describe item) may be made as provided below.

**Findings**

1. The (Contracting Activity) proposes to purchase \_\_\_\_\_, under contract number, \_\_\_\_\_, mined, produced or manufactured in (country of origin). The total estimated cost of this acquisition is \_\_\_\_\_.
2. The United States Government (USG) and the Government of \_\_\_\_\_ have agreed



to remove barriers to acquisition at the prime and subcontract level for defense equipment produced in each other's countries insofar as laws and regulations permit.

3. The Agreement provides that competitive offers of (*qualifying country*) end products will be evaluated by the Department of Defense without imposing any price differential under the Buy American Act and without taking applicable U.S. customs and duties into consideration so that (*qualifying country*) items may better compete, for sales of defense equipment to the Department of Defense. In addition, the Agreement stipulates that acquisitions of (*qualifying country*) items must fully satisfy Department of Defense requirements for performance, quality, and delivery and shall cost the Department of Defense no more than would comparable U.S. source or other foreign source defense equipment eligible for award.

4. In order to achieve these objectives, the solicitation contained the Buy American Act and Balance of Payments Program clause, 252.225-7001, or the Buy American Act, Trade Agreements Act, and the Balance of Payments Program clause, 252.225-7006. Offers were solicited from other sources and the offer received for (*qualifying country end item*) is found to be otherwise eligible for award.

#### Determination

Pursuant to the Buy American Act (41 U.S.C. 10a-d), I hereby determine that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the proposed offer.

(Date)

(b) *Subcontracting with qualifying country sources.* In reviewing prime contractor subcontracting procedures, the contracting officer shall ensure that the prime contract does not preclude qualifying country sources from competing for subcontracts, except when restricted by national security interest reasons, mobilization base considerations, or applicable U.S. laws or regulations.

(c) *Industrial security for qualifying countries.* Required procedures designed to safeguard classified defense information which may be necessary for the performance of contracts awarded to qualifying country sources are set forth in the DoD Industrial Security Regulation DoD 5220.22-R (implemented for the Army by AR 380-49; for the Navy by OPNAV Instruction 5540-8L; for the Air Force by AFR 205-4; for the Defense Communications Agency by DCA Inst. 240-110-8; and for the Defense Mapping Agency by DMA Inst. 5520-22).

#### 225.7404 Contract administration.

(a) Arrangements have been made with some qualifying countries to provide reciprocal contract administration service; some arrangements are at no cost to either government. See the appropriate

country's MOU (at Appendix T of this chapter) to determine whether such an annex has been negotiated and what contract administration functions are covered.

(b) When contract administration services are requested on contracts to be performed in qualifying countries, the request should be directed to the cognizant activity in accordance with DoD 4105.59-H, section II, part 2 (DoD Directory of Contract Administration Services Components). Contract administration services required with respect to DoD subcontracts placed by qualifying country sources in the United States will be arranged by the cognizant activity in accordance with DoD 4105.59-H, section II, part 2 (DoD Directory of Contract Administration Services Components).

(c) The Contract Administration Activity receiving a delegation or secondary delegation shall review the delegation to determine whether any portions of the delegation are covered by MOU annexes, and delegate those functions to the appropriate organization in the qualifying country's government.

(d) Information on quality assurance delegations to foreign governments is contained in subpart 246.6, Government Contract Quality Assurance.

#### 225.7406 [Removed]

39. Section 225.7406 is removed; section 225.7405 is redesignated as section 225.7406; and a new section 225.7405 is added to read as follows:

#### 225.7405 Audit.

MOUs with some qualifying countries contain annexes which provide for reciprocal, "no-cost" audits of contracts or subcontracts (pre- and post-award). See Appendix T of this chapter to determine if such an annex is applicable to a particular qualifying country. Requests for audits in qualifying countries should be handled in accordance with 215.805-5(c)(1)(S-70)(A) with the request being sent to the administrative contracting officer (ACO) at the cognizant CAS activity listed in DoD 4105.59-H section II, part 2 (DoD Directory of Contract Administration Services Components). An advance copy of the request is sent to the focal point identified in the audit annex.

#### Subpart 225.75—[Removed]

40. Subpart 225.75 is removed.

#### Subpart 225.76—[Removed]

41. Subpart 225.76 is removed.

## PART 226—OTHER SOCIOECONOMIC PROGRAMS

42. A new subpart 226.71 is added to read as follows:

### Subpart 226.71—Indian Incentive Program

Sec.

226.7100 Scope of subpart.

226.7101 Definitions.

226.7102 Procedures.

226.7103 Clause.

### Subpart 226.71—Indian Incentive Program

#### 226.7100 Scope of subpart.

This subpart implements 25 U.S.C. 1544, which provides an incentive to prime contractors that use Indian organizations and Indian-owned economic enterprises as subcontractors.

#### 226.7101 Definitions.

As used in this subpart, *Indian organization* means the governing body of any Indian tribe (as defined by 25 U.S.C. 1452(c)) or entity established or recognized by the governing body of an Indian tribe for the purposes of chapter 17, title 25, U.S.C.

*Indian-owned economic enterprise* means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership shall constitute not less than 51 percent of the enterprise.

*Interested party* means a prime contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award a subcontract.

#### 226.7102 Procedures.

(a) Contracting officers and prime contractors, acting in good faith, may rely on the self-certification of an Indian organization or Indian-owned economic enterprise as to its eligibility, unless an interested party challenges its status or the contracting officer has independent reason to question that status.

(b) In the event of a challenge of the self-certification of a subcontractor, the contracting officer shall refer the matter to the Bureau of Indian Affairs (BIA), U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20245. The BIA will determine eligibility and notify the contracting officer.

(c) The BIA will acknowledge receipt of the request from the contracting officer within 5 working days. Within 15 additional working days, BIA will



advise the contracting officer, in writing, of its determination.

(d) The contracting officer will notify the prime contractor upon receipt of a challenge.

(1) To be considered timely, a challenge must—

- (i) Be in writing;
- (ii) Identify the basis for the challenge;
- (iii) Provide detailed evidence supporting the claim; and
- (iv) Be filed with and received by the contracting officer prior to award of the subcontract in question.

(2) If notification of a challenge is received by the prime contractor prior to award, it shall withhold award of the subcontract pending the determination by BIA, unless the prime contractor determines, and the contracting officer agrees, that award must be made in order to permit timely performance of the prime contract.

(3) Challenges received after award of the subcontract shall be referred to BIA, but the BIA determination shall have prospective application only.

(e) If the BIA determination is not received within the prescribed time period, the contracting officer and the prime contractor may rely on the self-certification of the subcontractor.

#### 226.7103 Clause.

Contracting officers shall insert the clause at 252.226-7002, Utilization of Indian Organizations and Indian-Owned Economic Enterprises, in solicitations and resultant contracts that contain the clause at FAR 52.219-9, Small Business and Small Disadvantaged Business Subcontracting Plan.

### PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

43. A new subpart 231.3 is added to read as follows:

#### Subpart 231.3—Contracts with Educational Institutions

Sec.  
231.303 Requirements.

#### Subpart 231.3—Contracts with Educational Institutions

##### 231.303 Requirements.

(S-70) Under 10 U.S.C. 2324(e), the following costs are unallowable:

(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

(2) Costs incurred to influence (directly or indirectly) legislative action

on any matter pending before Congress or a State legislature.

(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable or has pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of a false certification).

(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable regulations of the Secretary of Defense.

(5) Costs of any membership in any social, dining, or country club or organization.

(6) Costs of alcoholic beverages.

(7) Contributions or donations, regardless of the recipient.

(8) Costs of advertising designed to promote the contractor or its products.

(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

(10) Costs for travel by commercial aircraft which exceed the amount of the standard commercial fare.

(11) Costs incurred in making any payment (commonly known as a "golden parachute payment") which is—

(i) In an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

(ii) Is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.

(12) Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

(13) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of the severance pay paid in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined by regulations prescribed by the Secretary of Defense.

(14) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a

service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or curtailment of activities at a United States military facility in that country at the request of the government of that country.

(15) Costs incurred by a contractor in connection with any criminal, civil, or administrative proceedings commenced by the United States or a State, to the extent provided in 10 U.S.C. 2324(k).

44. A new subpart 231.6 is added to read as follows:

#### Subpart 231.6—Contracts with State, Local, and Federally Recognized Indian Tribal Governments

Sec.  
231.603 Requirements.

#### Subpart 231.6—Contracts with State, Local, and Federally Recognized Indian Tribal Governments

##### 231.603 Requirements.

Under 10 U.S.C. 2324(e), the costs cited in 231.303(S-70) are unallowable.

45. A new subpart 231.7 is added to read as follows:

#### Subpart 231.7—Contracts with Nonprofit Organizations

Sec.  
231.703 Requirements.

#### Subpart 231.7—Contracts with NonProfit Organizations

##### 231.703 Requirements.

Under 10 U.S.C. 2324(e), the costs cited in 231.303(S-70) are unallowable.

### PART 232—CONTRACT FINANCING

46. Section 232.502-1(S-71) is revised to read as follows:

#### 232.502-1 Use of customary progress payments.

(S-71) *Customary flexible progress payments.*—(1) *General.* (i) Progress payments reduce contractor investment in work in process inventory. In addition to progress payments, other factors influence a contractor's actual investment in work in process inventory, e.g., delivery schedules, cash management practices, and Government payment practices.

(ii) Progress payment amounts that are determined by using uniform, customary progress payment rates are insensitive to the other factors which influence contractor investment. Consequently, contractor investments in



work in process inventories vary among contractors and across contracts.

(iii) Flexible progress payment rates are designed to tailor the progress payment rate to more closely match the contractor's cash needs for financing contract performance. The flexible rate is expressed as a percentage applied to costs to determine the amount of a progress payment in the same manner as uniform, customary progress payment rates.

(iv) For flexible progress payments, cash needs are measured and projected based on the investment required for work in process inventory over the life of the contract. Total investment is measured by a weighted average of total costs paid by the contractor. The contractor's investment is the weighted average of the amount not paid by the Government.

(v) DoD, as a matter of policy, requires contractors to retain a minimum investment level in work in process inventory over the life of the contract. This minimum investment level is based on the uniform, customary progress payment rate and its related investment percentage. Accordingly, DoD will make progress payments at a rate (expressed as a whole number) that is the highest rate which yields a corresponding investment by the contractor in work in process inventory of not less than the minimum investment percentage.

(vi) The flexible progress payment rate—

(A) Shall be determined by the DoD Cash Flow Computer Model; and

(B) Shall not be—

(1) Greater than 100%; or

(2) Less than the uniform, customary progress payment rate that would have been applied to the contract absent flexible progress payments.

(vii) The following chart shows uniform, customary progress payment rates, minimum contractor investment (except for contracts funded with FY 87 appropriations), and the applicable DoD Cash Flow Computer Model. For contracts funded with FY 87 appropriations, a contractor must retain at least a 25 percent investment in work in process inventory over the life of the contract.

Date of contract award	Uniform rate (per-cent)	Investment percent-age	Cash flow model
Prior to May 1, 1985.	90	5	CASH-II
May 1, 1985 to October 18, 1986.	80	15	CASH-III

Date of contract award	Uniform rate (per-cent)	Investment percent-age	Cash flow model
October 19, 1986 to October 1, 1988.	75	25	CASH-IV
After October 1, 1988.	80	20	CASH-V

#### (2) Using flexible progress payments.

(i) Contractors who submit certified cost or pricing data, as defined in FAR 15.804-2, for negotiated fixed price contracts in excess of \$1 million may request flexible progress payments.

(ii) Use a flexible progress payment rate instead of the uniform customary rate if:

(A) The contractor requests the use of flexible progress payment rates prior to definitization or contract award. (If the contractor requests flexible progress payments after definitization or contract award, the contracting officer may, if warranted, grant their use. However, the contractor must provide adequate new consideration (see FAR 32.501-4).)

(B) The contractor agrees to the requirements of paragraph (S-71) of this subsection.

(C) The contract will be awarded and performed entirely inside the United States and its possessions or territories.

(D) The contract contains the clause at FAR 52.232-16, "Progress Payments." However, small business contractors may get flexible progress payments if they agree to use the clause at FAR 52.232-16 without its Alternate I.

(iii) Do not use flexible progress payments for undefinitized contract actions or on contracts awarded through sealed bidding.

(iv) Subcontractors who request a flexible progress payment rate, meet the criteria in paragraph (S-71) (2)(i) of this subsection, and agree to the requirements of paragraph (S-71) of this subsection are to receive a flexible progress payment rate. The prime contractor determines the subcontractor flexible progress payment rate without regard to the rate in the prime contract. In determining the rate, the prime contractor will use the DoD Cash Flow Computer Model and review the cash flow data provided by the subcontractor.

(v) Prior to contract award, the contracting officer shall determine the flexible progress payment rate by applying the appropriate version of the DoD Cash Flow Computer Model. For contracts funded with FY 87 appropriations, Cash Flow Model "CASH-IV" shall be used. The model

takes into account key cash flow factors such as contract cost profile, delivery schedules, subcontractor progress payments, liquidation rates, and payment/reimbursement cycles.

(3) Contractor cash flow and cost information. (i) Contractors shall furnish to the contracting officer cash flow data in the form and context specified for use in the DoD Cash Flow Computer Model. This data includes:

(A) Actual and projected incurred cost—broken down by element of cost and by month—for the duration of the contract;

(B) Float times for each element of cost;

(C) Dates and lag times of actual and projected progress payment and delivery payment receipts; and

(D) Associated contract price and profit percentage.

(ii) Contracting officers shall verify the cash flow data using the procedures normally used to verify contractor cost or pricing data, and establish the flexible progress payment rate during the negotiation of the contract price.

(iii) If any flexible progress payment rate is later determined to be overstated because factual data submitted in support of the rate computation was not current, accurate, and complete at the time the flexible progress payment rate was established, the flexible progress payment clause provides for—

(A) Reduction of the flexible progress payment rate; and

(B) Payment of interest.

(iv) The contracting officer will assess the interest charge on the amount of overpayment resulting from facts that were not current, accurate, or complete—whether or not the overpayment has been liquidated. Calculate the interest from the date of overpayment to the date of liquidation of the overpayment. In determining the amount of interest the contracting officer may determine an average overpayment amount and duration as the basis for the interest computation. Interest rates change periodically; therefore, calculate average amounts and durations separately for each interest period that has a different interest rate.

(v) Administrative contracting officers (ACO's) are encouraged to establish advance agreements at contractor locations for float and payment lag times which are common to several contracts. Float and lag times may vary significantly from one contract to another due to variances in efficiency at different payment offices or due to differing procedures for high dollar-value contracts versus low dollar-value



contracts. Therefore, it may be appropriate to establish advance agreements on several different float and lag profiles to suit different contract situations.

(4) *Rate review.* (i) The flexible progress payments clause provides for redetermination of the flexible progress payment rate whenever the computed investment percentage is more than two points above or below the specified minimum investment. When such a redetermination is made—

(A) Apply the new flexible progress payment rate to the next contractor progress payment request; and

(B) Adjust the unliquidated progress payment balance.

(ii) Either the Government or the contractor may request a rate review at any time to determine if the computed investment percentage is outside the investment tolerance in paragraph (S-71)(4)(i) of this subsection.

(iii) The ACO shall assess changes in the following factors during each periodic review required by FAR 32.503-5 and shall review the flexible rate whenever there has been—

(A) A significant change in the float or lag factors;

(B) A significant change in the delivery schedule; or

(C) Substantial work added to or deleted from the contract.

(5) *Letter contracts and undefinitized orders.* When flexible progress payments are contemplated for use on a definitive contract superseding a letter contract or an unprice BOA order, the applicable uniform customary progress payment rate shall be used until definitization. The flexible progress payment rate shall be determined by the contracting officer before definitization of the contract or order.

(6) *Availability CASH program and User's Guide.* The Flexible progress payment program CASH and the User's Guide are available to offerors and contractors from the contracting officer. Contracting officers shall obtain copies from agency managements.

#### PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

47. Section 235.006 is revised to read as follows:

##### 235.006 Contracting methods and contract type.

(S-70) *Fixed-price type development contracts.*

(1) A fixed-price type contract shall not be awarded for a development program effort unless:

(i) The level of program risk permits realistic pricing;

(ii) The use of a fixed-price type contract permits an equitable and sensible allocation of program risk between the Government and the contractor; and

(iii) A written determination that the criteria of paragraphs (S-70) (1) and (2) of this section have been met is properly executed—

(A) By the Under Secretary of Defense for Acquisition (USD(A)), for—

(1) Research and development, if the contract is a fixed-price type contract over \$25,000,000;

(2) The lead ship of a class;

(3) The development of a major system (as defined in FAR 34.001) or subsystem thereof, if the contract is over \$10,000,000 and is a fixed-price type contract funded with FY 90 funds (Public Law 101-165, Section 9048)).

(B) By the contracting officer for all fixed-price type contracts for all development not covered by paragraph (S-70)(1)(iii)(A) of this section.

(2) Before award, submit the Government's prenegotiation position, and the proposed (and unexecuted) agreement with the contractor to the USD(A) for any action which is—

(i) An increase of more than \$250,000,000 in the price of a fixed-price type development contract, or a fixed-price type contract for the lead ship of a class;

(ii) A reduction in the amount of work under a fixed-price type development contract or a fixed-price type contract for the lead ship of a class, when the contract action is valued at more than \$100,000,000;

(iii) A repricing of fixed-price type production options to a development contract, or a contract for the lead ship of a class, which increases the price by more than \$250,000,000 for equivalent quantities.

(3) Notify the USD(A) of an intent not to exercise a fixed-price production option on a development contract for a major weapon system reasonably in advance of the expiration of the option exercise period.

#### PART 242—CONTRACT ADMINISTRATION

48. Section 242.270 is revised to read as follows:

##### 242.270 Performance of Contract Administration Services (CAS) on military installations.

(a) Contract administration functions on a military installation are normally the responsibility of the installation commander. This includes contract administration responsibility for—

(1) Base, post, camp, or station contracts, including A-76 type contracts;

(2) Contracts awarded by, or on behalf of, on-base activities (e.g., laboratories) and research and test facilities;

(3) Contracts for the operation and maintenance of simulators; and

(4) Contracts for contractor field teams.

(b) The Defense Contract Management Command (DCMC) shall, upon request of the installation commander, perform CAS on a military installation provided that the following two conditions are met:

(1) The contract statement of work is unrelated to the mission of the installation or on base activity. Examples are—

(i) Activation of a new weapon system;

(ii) Major modification of an existing weapon system;

(iii) When a contractor's normal place of industrial operation is located on a military base because of the availability of real estate or the existence of an industrial facility on that base.

(2) Full contract administration responsibility is delegated to DCMC, so as to prevent mixed CAS (i.e., more than one CAS organization performing contract administration functions at the contractor's place of performance).

(c) DCMC shall provide preaward survey assistance for post, camp, and station work performed on a military installation. The contracting office and the DCMC preaward survey monitor shall jointly determine the scope of the survey and individual responsibilities.

49. Section 242.302 is amended by adding paragraph (b)(S-70) to read as follows:

##### 242.302 Contract administration functions.

(b)(S-70) Issue, negotiate and execute orders under basic ordering agreements for overhaul, maintenance, and repair.

#### PART 245—GOVERNMENT PROPERTY

50. Section 245.608-5 is amended by revising the title and by adding paragraphs (a) (1), (2), (3), and (b) to read as follows:

##### 245.608-5 Special items screening.

(a)(1) Excess special test equipment (STE) with standard equipment will be reported on Standard Form 1432, Inventory Schedule D (Special Tooling and Special Test Equipment) with all economically removable general purpose components that qualify as industrial plant equipment (IPE), other plan equipment (OPE), or automatic data processing equipment (ADPE)



listed and described on the inventory schedule.

(2) Initial screening of the composite STE unit shall be in accordance with 245.608-2. After completion of initial screening, the STE unit and any reportable standard components not selected for retention by the acquiring or requiring department or approved for transfer to another contract shall be screened separately as follows:

- (i) STE unit less any standard components with GSA;
- (ii) IPE components with DIPEC (see 245.608-71);
- (iii) OPE components with CIRS (see 245.608-70);
- (iv) ADPE components with DARIC (see 245.608-5(d)(1)).

(3) Nonreportable standard components shall be screened only with GSA in accordance with FAR 45.608-4. Plant clearance officers will make necessary adjustments to the inventory schedules to ensure completion of the above screening requirements.

(b) For screening of excess STE without standard equipment, see paragraph (a)(2) of this subsection.

\* \* \* \* \*

#### PART 246—QUALITY ASSURANCE

51. Section 246.406 is amended by redesignating the existing paragraphs (S-71)(1) and (2) as (S-71)(1) (i) and (ii) respectively; by redesignating the existing paragraph (S-71) introductory text as paragraph (S-71)(1); by adding paragraph (S-71) introductory text; by redesignating the existing paragraph (S-72) introductory text as (S-71)(2) introductory text; by redesignating the existing paragraphs (S-72)(1) through (4) as (S-71)(2)(i) through (iv) respectively; and by removing paragraph (S-73); to read as follows:

##### 246.406 Foreign governments.

\* \* \* \* \*

(S-71) *Reciprocal quality assurance agreements.* A Memorandum of Understanding (MOU) with a foreign country may contain an annex that provides for the reciprocal performance of quality assurance services. MOU's are published in DFARS Appendix "T" and should be checked to determine whether such an annex exists for the country where a defense contract will be performed. See subpart 225.74, Purchases from qualifying Country Sources, for more information about MOUs.

\* \* \* \* \*

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52. Section 252.208-7005 is revised to read as follows:

##### 252.208-7005 Required sources for forging items.

As prescribed at 208.7803, insert the following clause:

##### Required Sources for Forging Items (Nov 1990)

(a) For the purpose of this clause: *Domestic manufacture* means forging items manufactured in the United States or Canada.

*End item* means a final combination of end products, component parts, and/or materials which is ready for its intended use, per JCS Publication #1 (DOD Dictionary of Military and Associated Terms).

(b) The Contractor agrees that end items, components, and processed materials thereof delivered under this contract shall contain domestic forging items of United States and Canadian manufacturers only as listed in section 208.7802-1 of the DoD FAR Supplement. This restriction does not include forgings for commercial vehicles (such as commercial cars and trucks) or to noncombat support military vehicles.

(c) A Canadian firm may bid on and supply any of the restricted items if: (1) It normally produces similar items or it is currently producing the item in support of DoD contracts (as prime or subcontractor); and (2) it agrees to become (upon receiving a contract/order) a planned producer under DoD's Industrial Preparedness Program (IPP), if it is not already a planned producer for the item.

(d) The Contractor agrees to insert this clause, including this paragraph (d), in every subcontract and purchase order issued in performance of this contract, unless the Contractor knows that the item being purchased contains none of the restricted forging items.

(e) The Contractor agrees to retain until the expiration of three (3) years from the date of final payment under this contract and to make available during such period, upon request of the Contracting Officer, records showing compliance with this clause.

(f) The requirement for delivery in paragraph (b) of this clause may be waived in whole or in part on a case-by-case basis by the Contracting Officer when such a waiver is determined to be in the Government's interest, and it meets the provisions of subpart 208.78 of the DoD FAR Supplement. (End of clause)

53. Section 252.225-7000 is revised to read as follows:

##### 252.225-7000 Buy American Act—Balance of Payments Program Certificate.

As prescribed at 225.109(a)(S-70), insert the following provision:

##### Buy American Act—Balance of Payments Program Certificate (Nov 1990)

(a) The offeror hereby certifies that each end product, except the end products listed

below, is a domestic end product (as defined in the clause entitled "Buy American Act and Balance of Payments Program") and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

##### Foreign End Products

Line Item No.

##### Country of Origin

(List all qualifying country end products and all nonqualifying country end products)

(b) Offers will be evaluated by giving preferences to domestic end products and foreign qualifying country end products over foreign nonqualifying country end products. In order to obtain such preference in the evaluation of each foreign end product listed in paragraph (a), it is necessary that offerors identify and certify those foreign end products identified in paragraph (a) that are qualifying country end products or they will be deemed nonqualifying country end products. Offerors must certify by stating the applicable line item numbers below.

The offeror certifies that the following supplies are "qualifying country end products" as defined in the clause entitled "Buy American Act and Balance of Payments Program."

( )

(Insert line item no.)

(End of provision)

54. Section 252.225-7001 is revised to read as follows:

##### 252.225-700 Buy American Act and Balance of Payments Program.

As prescribed at 225.109(d)(S-70), insert the following clause:

##### Buy American Act and Balance of Payments Program (Nov 1990)

(a) This clause implements the Buy American Act (41 U.S.C. Section 10a-d) in a manner that will encourage a favorable international balance of payments by providing a preference to domestic end products over foreign end products, except for end products which are qualifying country end products. For the purpose of this clause—

(1) *Components* means those articles, materials, and supplies directly incorporated into end products.

(2) *Qualifying country* means any country set forth in DFARS 225.7403.

(3) *Nonqualifying country* means any country, other than the United States, that is not a qualifying country listed in DFARS 225.7403.

(4) *Qualifying country components* means an item mined, produced, or manufactured in a qualifying country.

(5) *End products* means those articles, materials, and supplies to be acquired for public use under the contract. As to a given contract, the end products are the items to be delivered to the Government, as specified in



the contract, including supplies to be acquired by the Government for public use in connection with service contracts but excluding installation and other services to be performed after delivery.

(6) *Domestic end product* means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate may be issued). A component shall also be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act.

(7) *Foreign end product* means an end product other than a domestic end product.

(8) *Qualifying country end product* means an unmanufactured end product mined or produced in a qualifying country, or an end product manufactured in a qualifying country if the cost of the components mined, produced, or manufactured in the qualifying country and its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components.

(b) The Contractor agrees that there will be delivered under this contract only domestic end products unless, in its offer, it specified delivery of foreign end products in the provision entitled "Buy American Act and Balance of Payments Program Certificate." An offer certifying that a qualifying country end product will be supplied requires the Contractor to supply a qualifying country end product or, at the Contractor's option, a domestic end product. An offer based on supplying a nonqualifying country end product, if accepted, will permit the Contractor to supply a product without regard to the requirements of this clause.

(c) Offers will be evaluated in accordance with the policies and procedures of FAR part 25 and DFARS part 225.

(d) The offered price of nonqualifying country end products must include all applicable duty. Generally, when the Buy American Act is applicable, each nonqualifying country offer of defense equipment shall be adjusted for the purpose of evaluation by adding 50 percent of the offer, inclusive of duty.

(End of clause)

#### 252.225-7003 [Amended]

55. Section 252.225-7003 is amended by revising in the introductory language the reference "225.205(S-70)" to read "225.205-70".

56. Section 252.225-7005 is revised to read as follows:

#### 252.225-7005 Buy American Act—Trade Agreements Act—Balance of Payments Program Certificate.

As prescribed at 225.407(a)(1), insert the following provision:

#### Buy American Act—Trade Agreements Act—Balance of Payments Program Certificate (Nov 1990)

(a) The Offeror hereby certifies that each end product, except the end products listed below, is a domestic end product (as defined in the clause entitled "Buy American Act, Trade Agreements Act, and Balance of Payments Program"), and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

#### Foreign End Products

Line Item No.

\_\_\_\_\_

Country of Origin

\_\_\_\_\_

(List as necessary)

(b) Offers will be evaluated by giving preference to domestic end products, qualifying country end products, designated country end products and Caribbean Basin country end products over foreign nonqualifying country end products. In order to obtain such preference in the evaluation of each foreign end product listed in paragraph (a) of this clause, it is necessary that offerors identify and certify, below, those foreign end products identified in paragraph (a) of this clause that are qualifying country end products, designated country end products, or Caribbean Basin country end products. Products which are not identified and certified will not be deemed qualifying country end products, designated country end products, or Caribbean Basin country end products. Offerors must certify by inserting the applicable line item numbers in the appropriate brackets.

(1) The Offeror certifies that the following supplies are "qualifying country end products" as defined in the clause entitled "Buy American Act, Trade Agreements Act, and the Balance of Payments Program."

(Insert line item no.)

(2) The Offeror certifies that the following supplies qualify as "designated country end products" as that term is defined in the clause entitled "Buy American Act, Trade Agreements Act, and Balance of Payments Program."

(Insert line item no.)

(3) The Offeror certifies that the following supplies qualify as "Caribbean Basin Country end products" as that term is defined in the clause entitled "Buy American Act, Trade

Agreements Act, and Balance of Payments Program."

(Insert line item no.)

(End of provision)

57. Section 252.225-7006 is revised to read as follows:

#### 252.225-7006 Buy American Act, Trade Agreements Act, and The Balance of Payments Program.

As prescribed at 225.407(a)(2), insert the following clause:

#### Buy American Act, Trade Agreements Act, and the Balance of Payments Program (Nov 1990)

(a) This clause implements the Buy American Act (41 U.S.C. Section 101a-d), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), and the Caribbean Basin Initiative as provided for in Executive Order 12280 in a manner that will encourage a favorable international balance of payments by providing a preference to domestic end products over foreign end products, except for end products which are qualifying country end products, designated country end products or Caribbean Basin end products. For the purpose of this clause—

(1) *Components* means those articles, materials, and supplies directly incorporated into end products.

(2) *Qualifying country* means any country set forth at DFARS 225.7403.

(3) *Nonqualifying country* means any country, other than the United States, that is not a qualifying country listed in DFARS 225.7403.

(4) *Qualifying country component* means an item mined, produced, or manufactured in a qualifying country.

(5) *End product* means those articles, materials, and supplies to be acquired for public use under the contract. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts but excluding installation and other services to be performed after delivery.

(6) *Domestic end product* means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its qualifying country components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free certificate may be issued). A component shall also be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities



and of a satisfactory quality, or as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act.

(7) *Foreign end product* means an end product other than a domestic end product.

(8) *Qualifying country end product* means an unmanufactured end product mined or produced in a qualifying country or an end product manufactured in a qualifying country if the cost of the components mined, produced, or manufactured in the qualifying country and its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components.

(9) *Designated country end product* means an article that is wholly the growth, product, or manufacture of the designated country, or in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply; provided, that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such.

(10) *Caribbean Basin country end product* means an article that is wholly the growth, product, or manufacture of a Caribbean Basin country (as defined in section 25.401 of the Federal Acquisition Regulation (FAR), or in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply; provided, That the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such. The term excludes products which are excluded from duty-free treatment for Caribbean countries under the Caribbean Basin Economic Recovery Act under 19 U.S.C. 2703(b). These exclusions presently consist of textiles and apparel articles which are subject to textile agreements; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated as eligible articles for the purpose of the Generalized System of Preferences under title V of the Trade Act of 1974; tuna, prepared or preserved in any manner in airtight containers; petroleum, or any product derived from petroleum; and watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country to which Harmonized Tariff Schedule column 2 rates of duty apply.

(b) The Contractor agrees that there will be delivered under this contract only domestic end products unless, in its offer, it specified delivery of foreign end products in the provision entitled Buy American Act, trade

Agreements Act, and Balance of Payments Program Certificate. An offer certifying that a qualifying country end product, a designated country end product, or a Caribbean Basin country end product will be supplied requires the Contractor to supply a qualifying country end product, a designated country end product, or a Caribbean Basin country end product, whichever is certified, or, at the Contractor's option, a domestic end product. An offer based on supplying a nonqualifying country end product, if accepted, will permit the Contractor to supply a product without regard to the requirements of this clause; however, Contractors may not supply an end product listed in DFARS 225.403-70 with a total value at or above \_\_\_\_\_ dollars (\$\_\_\_\_\_) (Contracting Officers shall insert the dollar threshold amount referenced in FAR 25.402(a) from a country not listed at FAR 25.401, except as provided in DFARS 225.402(c)).

(c) Offers will be evaluated in accordance with the policies and procedures of FAR part 25 and DFARS part 225.

(d) The offered price nonqualifying country end products must include all applicable duty. The offered price of designated country end products, for line items subject to the Trade Agreements Act, should not include custom fees or duty. Generally, when the Buy American Act is applicable, each nonqualifying country offer of defense equipment shall be adjusted for the purpose of evaluation by adding 50 percent of the offer inclusive of duty.

(e) The Trade Agreements Act applies to this acquisition. Offers of designated and Caribbean Basin country end products will be evaluated without the Buy American Act and Balance of Payments Programs price adjustment discussed in paragraph (d) of this clause. See FAR subpart 25.4 and DFARS subpart 225.4 for procedures and exceptions. (End of clause)

58. Section 252.225-7008 is revised to read as follows:

**252.225-7008 Duty-free entry—qualifying country end products and supplies.**

As prescribed at 225.605-70, insert the following clause:

**Duty-Free Entry—Qualifying Country End Products and Supplies (Nov 1990)**

(a) The requirements of this clause apply to this contract and subcontracts, which term includes purchase orders, that involve supplies to be accorded duty-free entry, whether—

- (1) placed directly with a foreign concern as a prime contract; or
- (2) as a subcontract or purchase order under a contract placed with a domestic concern.

(b) Except as otherwise approved by the Contracting Officer, no amount is or will be included in the contract price on account of duty with respect to—

- (1) all end items which constitute "qualifying country end products" (as defined in DoD FAR Supplement 225.001) to be delivered under this contract; and
- (2) all supplies (including, without limitation, raw materials, components, and

intermediate assemblies) produced or made in qualifying countries, which are to be incorporated in the end items to be delivered under this contract; *Provided*, That such end items are manufactured in the United States or in a qualifying country, except supplies imported into the United States prior to the date of this contract or, in the case of supplies imported by a first or lower tier subcontractor hereunder, prior to the date of the subcontract.

(c) The Contractor warrants that all such qualifying country supplies, for which duty-free entry is to be claimed, are intended to be delivered to the Government or incorporated in the end items to be delivered under this contract and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage) are diverted to nongovernmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer.

(d) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of qualifying country supplies as to which the shipping documents bear the notation specified in paragraph (e) of this clause, except as the Contractor may otherwise agree.

(e) All shipping documents submitted to Customs, covering foreign end products or supplies for which duty-free entry certificates are to be issued in accordance with this clause, shall consign the shipments to the appropriate Military Department in care of the particular Contractor, including the Contractor's delivery address, or the appropriate military installation; and bear the following information:

- (1) prime contract number plus delivery order, if applicable;
- (2) number of the subcontract/purchase order for foreign supplies, if applicable;
- (3) identification of carrier;
- (4) the notation: "United States Government, Department of Defense" Duty-Free Entry to be claimed pursuant to Section XXII, Chapter 98, Subchapter VIII, Item No. 9808.00.30, of the Harmonized Tariff Schedule of the United States. Upon arrival of shipment at the appropriate port of entry, District Director of Customs, please release shipment under 19 CFR part 142 and notify Commander, Defense Contract Management Region (DCMR) New York, ATTN: Chief, Customs Division, International Logistics Office, 201 Varick Street, New York, New York 10014, for execution of Customs Forms 7501, 7501A, or 7506 and any required duty-free entry certificates." (Note: The above notation shall be used only for direct shipments to a U.S. military installation. In cases where the shipment will be consigned to other than a military installation, e.g., a domestic contractor's plant, the shipping document notation shall be altered to insert the name and address of the contractor agent or broker who will notify Commander, Defense Contract Management Region (DCMR) New York, for execution of the duty-free entry certificates.)



(v) gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight);

(vi) estimated value in U.S. dollars; and

(vii) Activity Address Number of the Contract Administration Office (CAO) actually administering the prime contract, e.g., for DCMAO Dayton, DLA8DP.

(f) Preparation of Customs Forms.

(1) Except for shipments consigned to a military installation, the Contractor shall prepare, or authorize an agent to prepare, any customs forms required for the entry of foreign supplies in connection with DoD contracts into the United States, its possessions, or Puerto Rico. The completed customs forms shall be submitted to the District Director of Customs with a copy of DCMR NY for execution of any required duty-free entry certificates. Shipments consigned directly to a military installation will be released in accordance with §§ 10.101 and 10.102 of the U.S. Customs Regulations.

(2) For shipments containing both supplies which are to be accorded duty-free entry and supplies which are not, the Contractor shall identify on the customs forms those items which are eligible for duty-free entry.

(g) The Contractor agrees to prepare (if this contract is placed direct with a foreign supplier) or to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the District Director of Customs at the port of entry and to consign the shipment as specified in (e) of this clause, and to mark the exterior of all packages as follows:

(1) "United States Government, Department of Defense" and

(2) The Activity Address Number applicable to the contract administration office actually administering the prime contract.

(h) The Contractor agrees to ensure that the Contracting Officer administering the prime contract is notified in writing of any purchase under the contract of qualifying country supplies to be accorded duty-free entry that are to be imported into the United States for delivery to the Government or for incorporation in end items to be delivered to the Government. Such notice shall be furnished to the contract administration office immediately upon the award to the qualifying country supplier. The notice shall identify:

(1) Prime contract number plus delivery order number if applicable;

(2) Total dollar value of the prime contract or delivery order;

(3) Expiration date of the prime contract or delivery order;

(4) Foreign supplier name;

(5) Number of the subcontract/purchase order for foreign supplies;

(6) Total dollar value of the subcontract for foreign supplies;

(7) Expiration date of the subcontract for foreign supplies;

(8) List of items purchased; and

(9) Certification by the purchaser of foreign supplies: I certify that all such supplies for which duty-free entry is to be claimed are intended to be delivered to the Government

or incorporated in the end items to be delivered under this contract, and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage) are diverted to nongovernmental use other than as a result of a competitive sale made, directed or authorized by the Contracting Officer;

(10) The qualifying country; and

(11) The scheduled delivery date(s).

(i) This clause shall not apply to purchases of qualifying country supplies in connection with this contract if (1) such qualifying country supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with its commercial business; and (2) it is not economical or feasible to account for such supplies so as to ensure that the amount of such supplies for which duty-free entry is claimed pursuant to this clause does not exceed the amount thereof purchased in connection with this contract.

(j) The Contractor agrees to insert the substance of this clause, including this paragraph (j) in all subcontracts for supplies hereunder. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause. The Contractor also agrees to ensure that the name and address of the Contracting Officer administering the prime contract (name and address of the CAO cognizant of the prime contract), and its Activity Address Number (Appendix N of this chapter), and the information required by (b) (1), (2) and (3) of this clause is included in applicable subcontracts.

(End of clause)

#### 252.225-7018 [Removed and Reserved]

59. Section 252.225-7018 is removed and reserved.

#### 252.225-7020 [Removed and Reserved]

60. Section 252.225-7020 is removed and reserved.

#### 252.225-7021 [Removed and Reserved]

61. Section 252.225-7021 is removed and reserved.

62. Section 252.225-7025 is added to read as follows:

#### 252.225-7025 Restriction on acquisition of foreign anchor and mooring chain.

As prescribed at 225.7014(a), insert the following clause:

##### Restriction on Acquisition of Foreign Anchor and Mooring Chain (Nov 1990)

(a) Welded shipboard anchor and mooring chain (four inches in diameter and under) contained in items delivered under this contract shall be manufactured in the United States.

(b) This clause, including this paragraph (b), must be included in all subcontracts hereunder, unless items acquired contain none of the restricted welded and shipboard anchor and mooring chain.

(End of clause)

63. Section 252.225-7026 is added to read as follows:

#### 252.225-7026 Restriction on acquisition of foreign anchor and mooring chain.

As prescribed at 225.7014(b), insert the following clause:

##### Restriction on Acquisition of Foreign Anchor and Mooring Chain—Fiscal Year 1988 (Nov 1990)

(a) Welded anchor and mooring chain (four inches in diameter and under) contained in items delivered under this contract shall be manufactured in the United States, its territories or possessions, or Canada except as provided in paragraph (b) of this clause.

(b) The Contractor may request a waiver in accordance with DFARS 225.7014(b) if adequate domestic supplies of welded anchor and mooring chain are unavailable to meet the contract delivery schedule.

(c) This clause, including this paragraph (c), must be included in all subcontracts hereunder, unless items acquired contain none of the restricted welded and shipboard anchor and mooring chain.

(End of clause)

64. Section 252.225-7029 is added to read as follows:

#### 252.225-7029 Information for duty-free entry evaluation.

As prescribed at 225.109(d)(S-72), insert the following provision:

##### Information for Duty-Free Entry Evaluation (Nov 1990)

(a) Is your bid/offer based upon furnishing any supplies (i.e., end items, components, or material) of foreign origin other than those for which duty-free entry is to be accorded pursuant to the clause entitled "Duty-Free Entry—Qualifying Country End Products and Supplies" herein?

Yes ( ) No ( )

(b) If the answer to (a) of this clause is yes, the following questions must be answered:

1. Are such foreign supplies now in the United States?

Yes ( ) No ( )

2. Has the duty on such foreign supplies been paid?

Yes ( ) No ( )

3. If the answer to 2 of this clause is no, what amount is included in your bid/offer to cover such duty? \$\_\_\_\_\_

(c) If the duty has not been paid, the Government may elect to make award on a "duty-free" basis. In this event, the contract award will contain the clause entitled "Duty-Free Entry" and the clause entitled "Supplies To Be Accorded Duty-Free Entry", and the bid/offer price will, in the award, be reduced by the amount specified in (b)3 of this clause. The bidder/offeror agrees to identify the foreign supplies which are subject to such duty-free entry at the request of the Contracting Officer.

(d) Bids/Offerors will be evaluated on a "duty included" basis except to the extent that the supplies are "qualifying country end products" as defined in part 225 or to the



extent the "duty-free" price is specified for use in the evaluation procedure.

(End of provision)

65. Section 252.225-7030 is added to read as follows:

**252.225-7030 Restriction on acquisition of polyacrylonitrile (PAN) based carbon fiber.**

As prescribed in 225.7011-1(a), insert the following clause:

**Restriction on Acquisition of Polyacrylonitrile (PAN) Based Carbon Fiber (Nov 1990)**

(a) This clause applies only if the end product furnished under this contract contains polyacrylonitrile carbon fibers (alternatively referred to as PAN-based fibers or PAN-based graphite fibers).

(b) PAN carbon fibers contained in the end product shall be manufactured in the United States or Canada using PAN precursor produced in the U.S. or Canada.

(c) The Contracting Officer, with the approval of the Head of the Contracting Activity, may waive the requirement in paragraph (b) of this clause in whole or in part. A waiver request shall identify the circumstances and include a plan to qualify domestic or Canadian sources expeditiously.

(End of clause)

66. Section 252.226-7002 is added to read as follows:

**252.226-7002 Utilization of Indian organizations and Indian-owned economic enterprises.**

As prescribed at 226.7103, insert the following clause:

**Utilization of Indian Organizations and Indian-Owned Economic Enterprises (Nov 1990)**

(a) This clause applies only if the contract includes a subcontracting plan incorporated under the terms of the clause entitled, Small Business and Small Disadvantaged Business Subcontracting Plan. It does not apply to contracts awarded based on a subcontracting plan submitted and approved under FAR 52.219-9, paragraph (g).

(b) *Definitions.* As used in this clause:

*Indian organization* means the governing body of any Indian tribe (as defined by 25 U.S.C. 1452(c)) or entity established or recognized by the governing body for the purposes of Chapter 17, Title 25, U.S.C.

*Indian-owned economic enterprise* means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership shall constitute not less than 51 percent of the enterprise.

*Interested party* means a prime contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award a subcontract.

(c) It is the policy of the United States that Indian organizations and Indian-owned economic enterprises shall have the maximum practicable opportunity to participate in performing contracts awarded by Federal agencies.

(d) The Contractor agrees to use its best efforts to give Indian organizations and Indian-owned economic enterprises the maximum practicable opportunity to participate in the subcontracts it awards in the performance of this contract.

(1) The Contractor may rely on the written representation of the Indian organization or Indian-owned economic enterprise that it meets the eligibility requirements of this clause.

(2) If the cost of subcontracting with an Indian organization or Indian-owned economic enterprise exceeds the cost of acquiring the supplies or services from a non-Indian source, the Contractor may request an equitable adjustment to:

(i) The estimated cost of a cost-type prime contract,

(ii) The target cost of a cost-plus-incentive-fee prime contract,

(iii) The target cost and ceiling price of a fixed-price incentive prime contract, or

(iv) The price of a firm-fixed-price prime contract.

(3) The amount of the equitable adjustment to the prime contract shall be the lesser of:

(i) The difference between the estimated cost, target cost or firm-fixed-price included in the subcontract initially awarded to the Indian organization or enterprise and the corresponding estimated cost, target cost or firm-fixed-price which would have been included in a subcontract with the otherwise low, non-Indian offeror; or

(ii) Five percent of the estimated cost, target cost or firm-fixed-price included in the subcontract initially awarded to the Indian organization or enterprise.

(4) The Contractor has the burden of proving the amount claimed and must assert its request for an adjustment prior to completion of contract performance.

(e) The Contracting Officer shall decide the amount of the adjustment and modify the contract accordingly. The Contracting Officer's decision is final and not subject to the Disputes clause of this contract.

(End of clause)

67. Section 252.232-7004 is revised to read as follows:

**252.232-7004 Flexible progress payments.**

As prescribed at 232.502-1(S-71), insert the following clause:

**Flexible Progress Payments (Nov 1990)**

(a) This contract is subject to flexible progress payment procedures as set forth in this clause and the Defense Federal Acquisition Regulation Supplement (DFARS) 232.502-1(S-71). The progress payment rate of this contract is \_\_\_\_\_ percent (\_\_\_\_%). This percentage applies in lieu of the uniform, customary progress payment rate and liquidation rate of the "Progress Payments" clause. The progress payment rate of this contract was determined by the DoD Cash Flow Computer Model, (name) (dated) \_\_\_\_\_, using \_\_\_\_\_ percent (\_\_\_\_%)

as the minimum rate for the Contractor's investment (as a weighted average of costs) in its work in process inventory over the life of the contract and \_\_\_\_\_ percent (\_\_\_\_%) as the standard customary progress payment rate.

(b) If actual and projected cash flow data generated during performance of this contract reveal that the progress payment rate will result in an investment in work in process inventory by the Contractor in excess of two percentage points higher or lower than the minimum rate of Contractor investment percentage identified in paragraph (a) of this clause, the progress payment rate shall be redetermined by using the DoD Cash Flow Computer Model. Unless it contained an error, the version of the DoD Cash Flow Computer Model specified in paragraph (a) of this clause shall be used for any redetermination. The progress payment rate shall not be less than the uniform, customary progress payment rate that would have applied to this contract absent flexible progress payment procedures and the progress payment rate shall not be greater than one hundred percent (100%).

(c) Notwithstanding paragraph (b) of this clause, if at any time the flexible progress payment rate is determined to be overstated because any factual data submitted by the contractor in support of the rate computation were not current, accurate, and complete at the time the flexible progress payment rate was established, the progress payment rate shall be reduced to the rate that should have been calculated using the model specified in paragraph (a) of this clause. The contractor shall pay interest in accordance with paragraph (d) of this clause, on resulting overpayments, computed from the date of payment by the Government, to the date of liquidation of the overpayment. Payment of any unliquidated overpayment and interest shall be due 30 days after the date of the first written demand for payment.

(d) Interest shall be simple interest at the rate established by the Secretary of the Treasury as provided in Section 12 of the Contract Disputes Act of 1978 (Public Law 95-563), which is applicable at the time the Government made the overpayment, and then at the rate applicable for each six-month period as fixed by the Secretary, until the overpayment is liquidated.

(e) Flexible progress payment terms will be accorded to subcontractors in accordance with paragraph (f) (Progress Payments to Subcontractors) of the "Progress Payments" clause of this contract and DFARS 232.502-1(S-71).

(End of clause)

*Alternate 1 (Oct 1988).* If this contract is funded with FY 87 appropriations, change twenty percent (20%) to twenty-five percent (25%), change twenty-two percent (22%) to twenty-seven (27%), and change eighteen percent (18%) to twenty-three percent (23%).

68. Appendix N to chapter 2 is revised to read as follows:

**Appendix N to Chapter 2—Activity Address Numbers**

Activity Address Numbers are for use in conjunction with the Uniform Procurement Instrument Identification Numbering System as prescribed in subpart 204.70 of the DoD FAR Supplement. The six-character code is



used in the first six positions of the Procurement Instrument Identification Number (PIIN). The two-character code is used in the first two positions of the Call/Order Serial Number.

For further information, see subpart 204.70 of the DoD FAR Supplement.

Activities coding procurement instruments shall use only those unique and significant codes assigned by their respective Department/Agency Activity Address Monitor(s). When required, activities shall also be assigned a two position code. (Newly assigned numbers will be listed in future revisions to Appendix N.) Activity Address Monitors are as follows:

#### Army

US Army Contracting Support Agency, Attn: Contract Support Office (SFRD-KS), 5109 Leesburg Pike, Suite 302, Falls Church, VA 22041-3201

#### Navy

Navy Accounting and Finance Center, (NAFC-5511), Washington, DC 20376-5001

\*(Six-Character Unit Identification Number only)

#### Air Force

SAF/AQCX, Directorate of Contracting and Manufacturing Policy, Washington, DC 20330-5040

#### Defense Logistics Agency

Defense Logistics Agency, Contracting Systems Support Office (DLA-DCSSO), Cameron Station, Alexandria, VA 22304-6100

\*The Navy and Marine Corps Activity Address Monitor for assignment of two-character call/serial numbers is: Office of the Assistant Secretary of the Navy (RD&A), Room 536, Crystal Plaza 5, Washington, DC 20350-1000

Requests for changes in either the six character or the two character Appendix N codes will be submitted to the appropriate Activity Address Monitor in accordance with local procedures. Activity Address Monitors shall approve requests for additions, deletions, or changes and submit them to Managing Editor, DAR Council, ODASD(P)/DARS, Washington, DC 20301-3062, with a copy to Executive Agent, Defense Logistics Agency, DLA-DCSSO, Cameron Station, Alexandria, VA 22304-6100. The Executive Agent is responsible for maintaining the Appendix N data base of six and two character code assignment and distributing the blocks of two character codes to the Monitors for further assignment. A copy of the current Appendix N data base is available on

tape or MS-DOS compatible floppy diskettes from the Executive Agent. Requests for changes to the DoD Activity Address Codes shall be forwarded to the Department focal point specified in DoD 4000.25-D in accordance with Department instructions. Copies of the DoD Activity Address Directory, DoD 4000.25-D, are available in microfiche from the focal points specified in DoD 4000.25-D.

#### Marine Corps

Headquarters, US Marine Corps, (Code LBP), Washington, DC 20380-0001

\*(Six-Character Unit Identification Number only)

#### Other Defense Agencies

The following agencies will forward requests for Appendix N maintenance to US Army Contracting Support Agency, (SFRD-KS), to the address listed above.

#### Defense Mapping Agency

Director of Acquisition, Defense Mapping Agency, Washington, DC 20305-3000

#### Defense Nuclear Agency

Chief, Contract Division, Defense Nuclear Agency, Washington, DC 20305-1000

#### Defense Communications Agency

Chief, Logistics Management Office, Code 202, Defense Communications Agency, Washington, DC 20305-2000

#### Department of the Army

DAAA03, B1—Pine Bluff Arsenal, Attn: SMCBP-PO, Pine Bluff, AR 71602-9500

DAAA05, B2—Directorate of Contracting, Rocky Mountain Arsenal, Attn: XRMAC-DOC, Commerce City, CO 80022-2180

DAAA08, B7—Rock Island Arsenal, Attn: SMCRI-CT, Rock Island, IL 61299-5000

DAAA09, BA—HQ, AMCCOM, Attn: AMSMC-PC (R), Rock Island, IL 61299-6000

DAAA15, ZU—HQ, AMCCOM, Attn: AMSMC-PC (A), Aberdeen Proving Ground, MD 21010-5423

DAAA21, 2T—HQ, AMCCOM, Attn: AMSMC-PC (D), Picatinny Arsenal, NJ 07806-5000

DAAA22, BV—Watervliet Arsenal, Attn: SMCWV-PP, Watervliet, NY 12189-4050

DAAA31, GJ—McAlester Army Ammunition Plant, Attn: SMCMA-PC, McAlester, OK 74501-5000

DAAB07, BG—USA Communications-Electronics Command, Attn: AMSEL-PC, Ft. Monmouth, NJ 07703-5000

DAAB08, 2V—USA Communications-Electronics Command, Attn: Procurement Directorate, Base Ops, Ft. Monmouth, NJ 07703-5008

DAAB10, ZP—Headquarters, U.S. Army Garrison, Vint Hill Farms Station, Attn: SELVH-PC-OP, Warrenton, VA 22186-5172

DAAC01, BH—Anniston Army Depot, Attn: SDSAN-DOC, Anniston, AL 36201-5003

DAAC09, ZR—Sacramento Army Depot, Attn: SDSSA-K, Sacramento, CA 95813-5021

DAAC67, ZN—Letterkenny Army Depot, Attn: SDSLE-P, Chambersburg, PA 17201-4152

DAAC69, D2—New Cumberland Army Depot, Attn: SDSNC-P, New Cumberland, PA 17070-5001

DAAC71, ZS—Tobyhanna Army Depot, Attn: SDSTO-K, Tobyhanna, PA 18466-5100

DAAC79, D7—Red River Army Depot, Attn: SDSRR-P, Texarkana, TX 75507-5000

DAAC83, BJ—Corpus Christi Army Depot, Attn: SDSCC-C, Corpus Christi, TX 78419-6170

DAAC89, BK—Tooele Army Depot, Attn: SDSTE-CD, Tooele, UT 84074-0839

DAAD01, B5—USA Yuma Proving Ground, Procurement Directorate, Attn: STEYP-CR, Yuma, AZ 85365-9103

DAAD03, B6—USA Jefferson Proving Ground, Attn: STEJP-LG-C, Madison, IN 47250-5100

DAAD05, BM—USA Aberdeen Proving Ground Support Activity, Attn: STEAP-PR(Bldg No. 314), Aberdeen Proving Ground, MD 21005-5001

DAAD07, BN—USA White Sands Missile Range, Directorate of Contracting, Attn: STEWS-PR, White Sands Missile Range, NM 88002-5201

DAAD09, BP—USA Dugway Proving Ground, Procurement Directorate, Attn: STEDP-DOC, Dugway, UT 84022-0538

DAAD10, ZX—USA Test & Evaluation Command, Attn: AMSTE-PR, Aberdeen Proving Ground, MD 21005-5055

DAAE07, BR—USA Tank-Automotive Command, Warren, MI 48397-5000

DAAG60, G8—USA Military Academy, Purchasing & Contracting Division, Bldg 667A, Attn: MAPC, West Point, NY 10996-1594

DAAG99, ZY—USA Program Manager-SANG, Attn: AMCPM-NGA-A, APO New York, NY 09038-5005

DAAH01, CC—USA Missile Command, Attn: AMSMI-PC, Redstone Arsenal, AL 35898-5280



- DAAH03, D8—USA Missile Command, Attn: AMSMI-PC-FC (Lab/Base Ops), Redstone Arsenal, AL 35898-5280
- DAAJ02, D9—Aviation Applied Technology Directorate, Attn: SAVRT-T4-CD, Ft Eustis, VA 23604-5577
- DAAJ04—USA Charles Melvin Price Support Center, Attn: AMSAV-PHI, Granite City, IL 62040-1801
- DAAJ05, ZF—USA Aviation Systems Command, Building 404, Attn: I.A.S.-21-Working Group, Ft Eustis, VA 23604-5577
- DAAJ09, BS—USA Aviation Systems Command, 4300 Goodfellow Blvd., Attn: AMSAV-PR, St Louis, MO 63120-1798
- DAAK01, BB—USA Troop Support Command (TROSCOM), 4300 Goodfellow Blvd., Attn: AMSTR-PYMB, St. Louis, MO 63120-1798
- DAAK60, C5—USA Natick Research, Development and Engineering Center, Directorate of Procurement, Attn: AMSTR-PN, Natick, MA 01760-5011
- DAAK70, E1—USA Belvoir Research, Development and Engineering Center, Procurement & Production Directorate, Attn: AMSTR-PBP, Ft. Belvoir, VA 22060-5606
- DAAL01, 1Y—Electronics Technology & Devices Laboratory, Attn: SLCET-DP, Ft. Monmouth, NJ 07703-5302
- DAAL02, D3—USA Laboratory Command Installation Support Activity, 2800 Powder Mill Road, Attn: SLCIS-C, Adelphia, MD 20783-1145
- DAAL03—U.S. Army Research Laboratory, P.O. Box 12211, Attn: SLCRO-PR, Research Triangle Park, NC 27709-2211
- DAAL04, D6—USA Materials Technology Laboratory, Arsenal Street, Attn: SLCMT-PR, Watertown, MA 02172-0001
- DABT01, F6—Commander, U.S. Army Aviation Center, Contracting Office, Building T-00116, Attn: ATZQ-C, Ft Rucker, AL 36362-5000
- DABT02, 2A—Commander, U.S. Army Chemical and Military Police Centers and Fort McClellan, Attn: ATZN-DOC, Ft McClellan, AL 36205-5000
- DABT10, 2B—Commander, U.S. Army Infantry Center and Fort Benning, Bldg. 35, Attn: ATZB-KTC, Fort Benning, GA 31905-5000
- DABT11, 2C—Commander, U.S. Army Signal Center and Fort Gordon, Building 2050, Attn: ATZI-CT, Fort Gordon, GA 30905-5041
- DABT15, F9—Commander, U.S. Army Soldier Support Center and Fort Benjamin Harrison, Attn: ATZI-CT, Fort Benjamin Harrison, IN 46216-5230
- DABT19, 2D—Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Attn: ATZL-GDC, Fort Leavenworth, KS 66027-5000
- DABT23, 2E—Commander, U.S. Army Armor Center and Fort Knox, Bldg. 4022, Attn: ATZK-DC, Fort Knox, KY 40121-5000
- DABT31, 2F—Commander, U.S. Army Engineer Center and Fort Leonard Wood, Attn: ATZT-DOC, Fort Leonard Wood, MO 65473-5000
- DABT35, 2G—Commander, U.S. Army Training Center and Fort Dix, Bldg. 5418, Attn: ATZD-CO, Fort Dix, NJ 08640-6150
- DABT39, 2H—Commander, U.S. Army Field Artillery Center and Fort Sill, Attn: ATZR-Q, Fort Sill, OK 73503-0501
- DABT43, 2J—Commander, Carlisle Barracks, Bldg. 46, Attn: ATZE-DOC, Carlisle Barracks, PA 17013-5002
- DABT47, 2K—Commander, U.S. Army Training Center and Fort Jackson, Bldg. 4350, Attn: ATZJ-DOC, Fort Jackson, SC 29207-5490
- DABT51, 2L—Commander, U.S. Army Air Defense Artillery Center & Fort Bliss, P.O. Box 6078, Attn: ATZC-DOC, Fort Bliss, TX 79906-0078
- DABT57, 2N—Commander, U.S. Army Transportation Center and Fort Eustis, Bldg. 2746, Attn: ATZF-CO, Fort Eustis, VA 23604-5000
- DABT58, 2P—Commander, Fort Monroe, Bldg. T-195, Attn: ATZG-C #62, Fort Monroe, VA 23651-6000
- DABT59, 2Q—Commander, U.S. Army Quartermaster Center and Fort Lee, Bldg. T-7124, Attn: ATZM-DC, Fort Lee, VA 23801-5000
- DABT60, 1L—Director, TRADOC Contracting Activity, Attn: ATCA, Fort Eustis, VA 23604-5538
- DABT61, BF—Commandant, The Judge Advocate General's School, USA, Attn: JAGS-SSL, Charlottesville, VA 22904-1781
- DABT63, BL—Commander, U.S. Army Information Systems Command, Attn: ASQH-DOC, Fort Huachuca, AZ 85613-5000
- DABT64, YV—Chief, Purchasing and Contracting Office, Bldg. 440, Attn: ATZR-ZQ, Ft. Chaffee, AR 72905-5000
- DABT65—Mission Contracting Activity at Fort Leavenworth, Attn: MCAL, Fort Leavenworth, KS 66027-5000
- DACA01, DACW01, CK—USA Engineer District, Mobile, P.O. Box 2288, Mobile, AL 36628-0001
- DACA03, DACW03, CL—USA Engineer District, Little Rock, P.O. Box 867, Little Rock, AR 72203-0867
- DACA05, DACW05, CM—USA Engineer District, Sacramento, 650 Capital Mall, Sacramento, CA 95814-4794
- DACA06, DACW06, CN—USA Engineer Division, South Pacific, 630 Sansone Street, Room 1216, San Francisco, CA 94111-2206
- DACA07, DACW07, CP—USA Engineer District, San Francisco, 211 Main Street, San Francisco, CA 94105-1905
- DACA09, DACW09, CQ—USA Engineer District, Los Angeles, P.O. Box 2711, Los Angeles, CA 90053-2325
- DACA17, DACW17, CS—USA Engineer District, Jacksonville, P.O. Box 4970, Jacksonville, FL 32232-0019
- DACA19, DACW19, CU—USA Engineer Division, South Atlantic, 77 Forsyth Street, S.W., Room 313, Atlanta, GA 30335-6801
- DACA21, DACW21, CV—USA Engineer District, Savannah, P.O. Box 889, Savannah, GA 31402-0889
- DACA22, DACW22, CW—USA Engineer Division, North Central, 536 South Clark Street, Chicago, IL 60605-1592
- DACA23, DACW23, CX—USA Engineer District, Chicago, 219 South Dearborn Street, Chicago, IL 60604-1797
- DACA25, DACW25, CD—USA Engineer District, Rock Island, P.O. Box 2004, Rock Island, IL 61204-2004
- DACA27, DACW27, CY—USA Engineer District, Louisville, P.O. Box 59, Louisville, KY 40201-0059
- DACA29, DACW29, CZ—USA Engineer District, New Orleans, P.O. Box 60267, New Orleans, LA 70160-0267
- DACA31, DACW31, DA—USA Engineer District, Baltimore, P.O. Box 1715, Baltimore, MD 21203-1715
- DACA33, DACW33, DB—USA Engineer District, New England, 424 Trapelo Road, Waltham, MA 02254-9149
- DACA35, DACW35, DC—USA Engineer District, Detroit, P.O. Box 1027, Detroit, MI 48231-1027
- DACA37, DACW37, DD—USA Engineer District, St. Paul, 1421 USPO a Custom House, 180 East Kellogg Boulevard, St Paul, MN 55101-1427
- DACA38, DACW38, DE—USA Engineer District, Vicksburg, P.O. Box 60, Vicksburg, MS 39180-0060
- DACA39, DACW39, DF—USA Engineer Water-Ways, Experiment Station, P.O. Box 631, Vicksburg, MS 39181-0631
- DACA40, DACW40, DG—USA Engineer Division, Lower Mississippi Valley, P.O. Box 80, Vicksburg, MS 39181-0080
- DACA41, DACW41, DH—USA Engineer District, Kansas City, 700 Federal Bldg., 601 East 12th Street, Kansas City, MO 64106-2896
- DACA43, DACW43, DJ—USA Engineer District, St. Louis, 210 Tucker Boulevard North, St. Louis, MO 63101-1986
- DACA45, DACW45, DK—USA Engineer District, Omaha, 215 North 17th Street, Omaha, NE 68102-4978
- DACA46, DACW46, DL—USA Engineer Division, Missouri River, P.O. Box 103,



- Downtown Station, Omaha, NE 68101-0103
- DACA47, DACW47, DM—USA Engineer District, Albuquerque, P.O. Box 1580, Albuquerque, NM 87103-1580
- DACA49, DACW49, DN—USA Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207-3199
- DACA51, DACW51, CE—USA Engineer District, New York, 26 Federal Plaza, New York, NY 10278-0090
- DACA52, DACW52, DP—USA Engineer Division, North Atlantic, 90 Church Street, New York, NY 10007-2979
- DACA54, DACW54, DQ—USA Engineer District, Wilmington, P.O. Box 1890, Wilmington, NC 28402-1890
- DACA55, DACW55, DR—USA Engineer Division, Ohio River, P.O. Box 1159, Cincinnati, OH 45201-1159
- DACA56, DACW56, DS—USA Engineer District, Tulsa, P.O. Box 61, Tulsa, OK 74121-0061
- DACA57, DACW57, DT—USA Engineer District, Portland, P.O. Box 2496, Portland, OR 97229-2946
- DACA58, DACW58, DU—USA Engineer Division, North Pacific, P.O. Box 2870, Portland, OR 97208-2870
- DACA59, DACW59, DV—USA Engineer District, Pittsburgh, William S. Moorehead Federal Bldg., 1000 Liberty Avenue, Pittsburgh, PA 15222-4186
- DACA60, DACW60, DW—USA Engineer District, Charleston, P.O. Box 919, Charleston, SC 29402-0919
- DACA61, DACW61, CF—USA Engineer District, Philadelphia, Custom House, 2nd & Chestnut Streets, Philadelphia, PA 19106-2991
- DACA62, DACW62, DX—USA Engineer District, Nashville, P.O. Box 1070, Nashville, TN 37202-1070
- DACA63, DACW63, DY—USA Engineer District, Fort Worth, P.O. Box 17300, Fort Worth, TX 76102-0300
- DACA64, DACW64, DZ—USA Engineer District, Galveston, P.O. Box 1229, Galveston, TX 77553
- DACA65, DACW65, EA—USA Engineer District, Norfolk, 803 Front Street, Norfolk, VA 23510-1098
- DACA66, DACW66, EB—USA Engineer District, Memphis, 167 N. Mid-America Mall, B-202, Clifford Davis Federal Bldg., Memphis, TN 38103-1894
- DACA67, DACW67, EC—USA Engineer District, Seattle, P.O. Box C-3755, Seattle, WA 98124-2255
- DACA68, DACW68, YW—USA Engineer District, Walla Walla, Building 602, City-County Airport, Walla Walla, WA 99362-9265
- DACA69, DACW69, CG—USA Engineer District, Huntington, 502 8th Street, Huntington, WV 25701-2070
- DACA70, DACW70, YX—USA Engineer Division, Southwestern, 1114 Commerce Street, Dallas, TX 74242-0216
- DACA72, DACW72, ZA—USA Humphreys Engineer Center, Support Activity, Kingman Building, Ft Belvoir, VA 22060
- DACA73, DACW73, CH—Headquarters, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, N.W., Attn: CEPR Washington, DC 20314-1000
- DACA75, DACW75, ZC—USA Engineer Division, Middle East, APO New York, NY 09038
- DACA76, DACW76, ZD—USA Engineer Topographic Laboratories, Cude Bldg., #2592, Ft Belvoir, VA 22060-5546
- DACA78, DACW78, 9V—USA Engineer Middle East/Africa, Projects Office, P.O. Box 2250, Winchester, VA 22601-1450
- DACA79, DACW79, 2R—USA Engineer District, Japan, APO San Francisco, CA 96343-0061
- DACA81, DACW81—USA Engineer District, Far East, APO San Francisco, CA 96301-0427
- DACA84, DACW84, ZH—USA Engineer Division, Pacific Ocean, Building 230, Fort Shafer, HI 96858-5440
- DACA85, DACW85, ZJ—USA Engineer District, Alaska, P.O. Box 898, Anchorage, AK 99506-0898
- DACA86, DACW86—USA Engineer District, Riyadh, APO New York, NY 09038
- DACA87, DACW87, ZW—USA Engineer Division, Huntsville, P.O. Box 1600, Huntsville AL 35807-4301
- DACA88, DACW88, OS—USA Construction Engineering, Research Laboratory, P.O. Box 4005, Champaign, IL 61824-4005
- DACA89, DACW89, Z—USA Cold Regions Research and Engineering Laboratory, 72 Lyme Road, Hanover, NH 03755-1290
- DACA90, DACW90—USA Engineers Division, Europe, Attn: CEEUD, CT APO New York, NY 09757-5301
- DADA01, 2S—Letterman Army Medical Center, Bldg 1060 Attn: HSHH-LCP, Presidio of San Francisco, CA 94129-6700
- DADA03, 8W—Fitzsimons Army Medical Center, Directorate of Contracting, Bldg 205, Attn: HSHG-LOC, Aurora, CO 80045-5001
- DADA09, YY—William Beaumont Army Medical Center, P.O. Box 70003, Attn: HSAA-W, El Paso, TX 79920-5001
- DADA10, ZQ—USA Health Services Command, Bldg 129, Central Contracting Activity, Attn: HSAA-C, Ft Sam Houston, TX 78234-6000
- DADA11, OV—Brooke Army Medical Center, Contracting Branch, Log Div, Attn: HSHE-LOC, Ft Sam Houston, TX 78234-6200
- DADA13, OW—Madigan Army Medical Center, Purchasing and Contracting Office, Attn: HSSA-M, Tacoma, WA 98431-5100
- DADA15, OX—Walter Reed Army Medical Center, Directorate of Industrial Operations, Bldg T-20, 1st Floor, Attn: HSHL-ZF(SD), Washington, DC 20307-5001
- DADA16, OY—Tripler Army Medical Center, Contracting Office, Bldg 160, Attn: HSHK-LD-PC, Tripler AMC, HI 96859-5000
- DAEA08, E4—Headquarters, 7th Signal Command & Ft Ritchie, Office of Acquisition, Bldg 148, Attn: ASN-OA-PC Fort Ritchie, MD 21719-5010
- DAEA16, E7—Headquarters, 5th Signal Command, DCSLOG, Attn: ASE-LG-CT, APO New York, NY 09056-3104
- DAEA20, E8—Commander, HQ, 1st Signal Brigade, Attn: ASQK-AM, APO San Francisco, CA 96301-0044
- DAEA31, 1K—USAISC, Directorate of Contracting, Fort Devens, Attn: ASPC-D, Ayers, MA 01433-5340
- DAEA32, Y6—HQ, USAISC, Office of Acquisition Management, Attn: ASPC-T, Fort Huachuca, AZ 85613-5000
- DAHA01, 9B—USPFO for Alabama, P.O. Box 3715, Montgomery, AL 36193-4801
- DAHA02, 0G—USPFO for Arizona, 5636 E. McDowell Road, Phoenix, AZ 85008-3495
- DAHA03, 9D—USPFO for Arkansas, Camp Robinson, North Little Rock, AR 72118-2200
- DAHA04, 9N—USPFO for California, P.O. Box 8104, San Luis Obispo, CA 93403-8104
- DAHA05, Z0—USPFO for Colorado, Camp George West, Golden, CO 80401-3997
- DAHA06, 1S—USPFO for Connecticut, State Armory, 360 Broad Street, Attn: Contracting Officer, Hartford, CT 06105-3795
- DAHA07, 9A—USPFO for Delaware, Grier Bldg., 1161 River Road, New Castle, DE 19720-5199
- DAHA08, 2W—USPFO for Florida, P.O. Box 1008, St. Augustine, FL 32085-1008
- DAHA09—USPFO for Georgia, P.O. Box 17882, Atlanta, GA 30316-0882
- DAHA10, 2Y—USPFO for Idaho, P.O. Box 45, Boise, ID 83707-4501
- DAHA11, 9E—USPFO for Illinois, 1301 North McArthur Blvd., Springfield, IL 62702-2399
- DAHA12, 4E—USPFO for Indiana, P.O. Box 41346, Indianapolis, IN 46241-0346
- DAHA13, 9L—USPFO for Iowa, Camp Dodge, 7700 NW Beaver Drive, Johnston, IA 50131-1902
- DAHA14, 4Z—USPFO for Kansas, P.O. Box 2099, Topeka, KS 66601-2099
- DAHA15, 6P—USPFO for Kentucky, Boone National Guard Center, Frankfort, KY 40601-6192



- DAHA16, 0A—USPFO for Louisiana, Jackson Barracks, New Orleans, LA 70146-0330
- DAHA17, 0B—USPFO for Maine, Camp Keys, Augusta, ME 04333-0032
- DAHA18, 0C—USPFO for Maryland, State Mil Reservation, 301 Old Bay Lane, Havre de Grace, MD 21078-4094
- DAHA19, 0D—USPFO for Massachusetts, 143 Speen Street, Attn: Contracting Officer, Natick, MA 01760-2599
- DAHA20, 0F—USPFO for Michigan, 3111 W. St. Joseph Street, Lansing, MI 48913-1502
- DAHA21, 9K—USPFO for Minnesota, P.O. Box 288, Camp Riley, Little Falls, MN 56345-0288
- DAHA22—USPFO for Mississippi, 144 Military Drive, Jackson, MS 39208-8880
- DAHA23, 9H—USPFO for Missouri, 1715 Industrial Avenue, Jefferson City, MO 65101-1468
- DAHA24, 9P—USPFO for Montana, P.O. Box 1157, Helena MT 59624-1157
- DAHA25—USPFO for Nebraska, 1234 Military Road, Lincoln, NE 68508-1092
- DAHA26—USPFO for Nevada, 2601 South Carson Street, Carson City, NV 89701-5596
- DAHA27—USPFO for New Hampshire, P.O. Box 2003, Concord, NH 03301-2003
- DAHA28, ZK—USPFO for New Jersey, 131 Eggert Crossing Road, Lawrenceville, NJ 08648-2805
- DAHA29—USPFO for New Mexico, P.O. Box 4277, Attn: Contracting Officer, Santa Fe, NM 87502-4277
- DAHA30—USPFO for New York, 330 Old Niskayuna Road, Latham, NY 12110-2224
- DAHA31—USPFO for North Carolina, 4201 Reedy Creek Road, Raleigh, NC 27607-6412
- DAHA32—USPFO for North Dakota, P.O. Box 5511, Bismarck, ND 58502-5511
- DAHA33, 9M—USPFO for Ohio, 2811 W. Granville Road, Columbus, OH 43235-2712
- DAHA34, 9J—USPFO for Oklahoma, 3501 Military Circle, N.E., Oklahoma City, OK 73111-4398
- DAHA35—USPFO for Oregon, P.O. Box 14840, Attn: USPFO-P, Salem, OR 97309-5008
- DAHA36—USPFO for Pennsylvania, Dept. of Military Affairs, Attn: Contracting Officer, Annville, PA 17003-5003
- DAHA37—USPFO for Rhode Island, 330 Camp Street, Providence, RI 02906-1954
- DAHA38—USPFO for South Carolina, 9 National Guard Road, Columbia, SC 29201-4766
- DAHA39—USPFO for South Dakota, Camp Rapid, Rapid City, SD 57702-8186
- DAHA40—USPFO for Tennessee, Powell Avenue, P.O. Box 40748, Nashville, TN 37204-0748
- DAHA41, 9C—USPFO for Texas, P.O. Box 5218, Attn: Contracting Officer, Austin, TX 78563-5218
- DAHA42, ZE—USPFO for Utah, P.O. Box 2000, Draper, UT 84020-2000
- DAHA43—USPFO for Vermont, Camp Johnson, Bldg. #3, Colchester, VT 05446-3004
- DAHA44—USPFO for Virginia, 501 East Franklin Street, Richmond, VA 23219-2317
- DAHA45—USPFO for Washington, Camp Murray, Tacoma, WA 98430-5000
- DAHA46—USPFO for West Virginia, 50 Armory Road, Buckhannon, WV 26201-2396
- DAHA47, 9G—USPFO for Wisconsin, Camp Douglas, WI 54618-9002
- DAHA48—USPFO for Wyoming, P.O. Box 1709, Cheyenne, WY 82003-1709
- DAHA49—USPFO for District of Columbia, Bldg. 350, Anacostia Naval Air Station, Washington, DC 20315-0001
- DAHA50—USPFO for Hawaii, 3949 Diamond Head Road, Honolulu, HI 96816-4495
- DAHA51—USPFO for Alaska, 800 E. Diamond Blvd. #3-580, Anchorage, AK 99515-2097
- DAHA70—USPFO for Puerto Rico, P.O. Box 3786, San Juan, PR 00904-3786
- DAHA72—USPFO for Virgin Islands, #11-12 Golden Rock, Christiansted, St. Croix, VI 00820-1050
- DAHA74—USPFO for Guam, P.O. Box 56, NAS, FPO San Francisco, CA 96637-1256
- DAHA90—National Guard Bureau, Contracting Support, 5109 Leesburg Pike, Suite 401-B, Falls Church, VA 22041-3201
- DAHC21, G3—MTMC Eastern Area, Acquisition Division, Bldg 42, Military Ocean Terminal, Attn: MTEA-LOA, Bayonne, NJ 07002-5302
- DAHC22—HQ MTMC, Directorate of Passenger Traffic, 5611 Columbia Pike, Attn: MTPT, Falls Church, VA 22041-5050
- DAHC23, G4—MTMC, Western Area, Oakland Army Base, Attn: MTWA-LOA, Oakland, CA 94026-5000
- DAHC24, 1B—HQ MTMC Acquisition Division, 5611 Columbia Pike, Attn: MT-LOA, Falls Church, VA 22041-5050
- DAHC26, 0E—HQ MTMC, TOPS Project Management Office, Attn: MT-TP, Ft. Belvoir, VA 22060-5898
- DAHC30, 0F—MDW, DCS for Acquisition, Bldg. 15, Cameron Station, Alexandria, VA 22304-5050
- DAHC32, 0M—National Defense University, Bldg. 59/Contracting Office Rm 113, Fort Leslie J. McNair, Washington, DC 20319
- DAHC35, 2M—Ft. Belvoir Directorate of Contracting, Bldg T742, Ft Belvoir, VA 22060-5075
- DAHC40, 9T—USA TSA Southeast Commissary Region, Contracting Division, Attn: LOTA-SE-C, Fort Lee, VA 23801-6025
- DAHC41, 0H—USA TSA Northeast Commissary Region, Contracting Division, Attn: LOTA-NE-C, Fort George G. Meade, MD 20755-5220
- DAHC42, 0J—USA TSA Midwest Commissary Region, Contracting Division, Attn: LOTA-MW-C, Fort Sam Houston, TX 78234-5000
- DAHC43, 0K—USA TSA Western Commissary Region, Contracting Division, Attn: LOTA-WE-C, Fort Lewis, WA 98433-7300
- DAHC44, ZG—US TSA Contracting Group, Bldg. P-12400, P.O. Box 5310, Attn: LOTA-AM-C, Fort Lee, VA 23801-6020
- DAHC76, 8U—HQS, 6th Inf Div (L) & USA Garrison, AK, Directorate of Contracting, P.O. Box 5-525, Attn: APVR-DOC, Ft Richardson, AK 99505-0525
- DAHC77, CJ—US Army Support Command, Hawaii, Attn: APZV-KO, Ft Shafter, HI 96858-5025
- DAHC90, YJ—U.S. Army Intelligence and Security Command (INSCOM), Contract Support Activity, Attn: IAPARC-CSA, Ft Belvoir, VA 22060-5368
- DAHC92, 1V, ZT—U.S. Army South, U.S. Army Garrison-Panama, Directorate of Contracting, Attn: SOCO-CO, APO Miami, FL 34002-5000
- DAHC94, BD—U.S. Army, Information Systems Selection and Acquisition Agency (ISSAA), 2461 Eisenhower Avenue, Alexandria, VA 22331-0700
- DAJA01, 9Q—Regional Contracting Office, Vicenza, Attn: AEUCC-I, APO New York, NY 09221-5122
- DAJA02, G5—Regional Contracting Office, Seckenheim, Attn: AEUCC-S, APO New York, NY 09333-5000
- DAJA04, 9R—Regional Contracting Office, Fuerth, Attn: AEUCC-FU, APO New York, NY 09696-5345
- DAJA06, 9S—Regional Contracting Office, Stuttgart, Attn: AEUCC-ST, APO New York, NY 09154-0503
- DAJA09, BT—Giessen Suboffice, RCO Frankfurt, Attn: AEUCC-F-G, APO New York, NY 09169
- DAJA10, 9U—Regional Contracting Office, Augsburg, Attn: AEUCC-A, APO New York, NY 09178-0505
- DAJA16, 8X—Regional Contracting Office, Grafenwoehr, Attn: AEUCC-G, APO New York, NY 09114-5413



- DAJA23, 9W—Directorate of Contracting, USA Berlin, Attn: AEBA-C, APO New York, NY 09742-5003
- DAJA25, 9X—Regional Contracting Office, Bremerhaven, Attn: AEUCC-BR, APO New York, NY 09069-5505
- DAJA37, G6—USAREUR Contracting Center, Attn: AEUCC-C, APO New York, NY 09710-5345
- DAJA45, 9Y—Regional Contracting Office, Burtonwood, Attn: AEUCC-BW, APO New York, NY 09075-3738
- DAJA61, 9Z—HQ USAREUR & 7th Army, Attn: Regional Contracting Office Benelux, APO New York, NY 09667-5005
- DAJA76, 8V—Regional Contracting Office, Frankfurt, Box 73, Attn: AEUCC-F, APO New York, NY 09710-5345
- DAJA83, 2Z—Rheinberg Suboffice, RCO Bremerhaven, Attn: AEUCC-BR-R, APO New York, NY 09712-5511
- DAJA84, B0—Fulda Suboffice, RCO Frankfurt, Attn: AEUCC-F-FD, APO New York, NY 09146
- DAJA85, B8—Hanau Suboffice, RCO Frankfurt, Attn: AEUCC-F-H, APO New York, NY 09165-5345
- DAJA86, C0—Mainz-Kastel Suboffice, RCO Frankfurt, Attn: AEUCC-F-MK, APO New York, NY 09457
- DAJA87, D0—Mid-East CAS Branch, USAREUR Contract Center, Attn: AEUCC-C-CI, APO New York, NY 09672-0008
- DAJA88, E0—United Kingdom CAS Branch, USAREUR Contract Center, Attn: AEUCC-C-CU, APO New York, NY 09083-5000
- DAJA89, F0—Wuerzburg Suboffice, RCO Fuerth, Attn: AEUCC-FU-W, APO New York, NY 09800-2013
- DAJA90, 0T—Bad Kreuznach Suboffice, RCO Frankfurt, Attn: AEUCC-F-BK, APO New York, NY 09252-0029
- DAJB03, F4—U.S. Army Korea Contracting Agency, Attn: EAKC-CO, APO San Francisco, CA 96301-0062
- DAKF01, 1A—Directorate of Contracting, Attn: AFKC-ZM-DOC, Presidio of San Francisco, CA 94129-5000
- DAKF03, 0Q—Directorate of Contracting, P.O. Box 27, Attn: AFZW-DOC, Ft Ord, CA 93941-0027
- DAKF04, ZE—Directorate of Contracting, P.O. Box 10039, Attn: AFZJ-DC, Ft Irwin, CA 92310-5000
- DAKF06, 1C—Directorate of Contracting, Building 6222, Attn: AFZC-DOC, Ft Carson, CO 80913-5022
- DAKF10, 1D—Directorate of Contracting, Attn: AFZP-DC, Ft Stewart, GA 31314-5189
- DAKF11, 1E—Directorate of Contracting, Attn: AFZK-DOC, Fort McPherson, GA 30330-5000
- DAKF12, BC—FORSCOM Central Contracting Office, Attn: FCJ4-PRC, Fort McPherson, GA 30330-6000
- DAKF15, 1F—Directorate of Contracting, Attn: AFKE-ZO-DOC, Fort Sheridan, IL 60037-5000
- DAKF19, 1G—Directorate of Contracting, Attn: AFZN-DOC, Fort Riley, KS 66442-0248
- DAKF23, 1H—Directorate of Contracting, Attn: AFZB-DOC, Fort Campbell, KY 42223-1100
- DAKF24, G1—Directorate of Contracting, Attn: AFZX-DOC, Fort Polk, LA 71459-5000
- DAKF27, 1J—Directorate of Contracting, Attn: AFKA-ZI-DOC, Fort George G. Meade, MD 20755-5081
- DAKF36, 1M—Directorate of Contracting, Attn: AFZS-DOC, Fort Drum, NY 13602-5220
- DAKF40, 1N—Directorate of Contracting, Drawer 70120, Attn: AFZA-DC, Fort Bragg, NC 28307-0120
- DAKF48, 1Q—Directorate of Contracting, Attn: AFZF-DOC, Fort Hood, TX 76544-5059
- DAKF49, 1R—Directorate of Contracting, Attn: AFZG-DOC, Fort Sam Houston, TX 78234-5000
- DAKF57, 1T—Directorate of Contracting, Attn: AFZH-DOC, Fort Lewis, WA 98433-5000
- DAKF61, 1U—Directorate of Contracting, Attn: AFZR-DOC, Fort McCoy, WI 54656-5000
- DAMD17, B3—US Army Medical Research, Acquisition Activity, Fort Detrick, Attn: SGRD-RMA, Frederick, MD 21702-5014
- DASG60, CB—USA Strategic Defense Command, Deputy Commander, P.O. Box 1500, Attn: CSSD-CM-AC, Huntsville, AL 35807-3801
- Department of the Navy*
- N00011, LB\*, LBZ—Chief of Naval Operations, Washington, DC 20350-2000
- N00013, MR—Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332
- N00014, EE—Office of Naval Research, Arlington, VA 22217
- N00015, L0\*, LOZ—Naval Intelligence Command HQ, (Suitland, MD), 4600 Silver Hill Road, Washington, DC 20389
- N00018, MC\*, MD\*, J5\*, QA\*, MCZ—Naval Medical Command, Washington, DC 20372-5120
- N00019, EF\*, GU\*, EF0-9—Naval Air Systems Command, Washington, DC 20361
- N00023, 4J\*, 4J0-9—Commander, Naval Supply Systems Command, Washington, DC 20376
- N00024, EH\*, EH0-9—Naval Sea Systems Command, Washington, DC 20360
- N00025, EJ\*, FZ\*, EJ0-9—Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332
- N00030, EK\*, EK0-9—Strategic Systems Programs, Department of the Navy, Washington, DC 20376-5002
- N00033, EL\*, EL0-9—Commander, Military Sealift Command, Washington, DC 20390
- N00034, EM—Navy Finance Center, Navy Military Pay System, Cleveland, OH 44114
- N00039, NS\*, NS0-9—Space and Naval Warfare Systems Command, Washington, DC 20360
- N00060, LH\*, J0\*, LHZ—Commander-in-Chief, Atlantic Fleet, Norfolk, VA 23511
- N00062, 8A\*, L9\*, R0\*, 8A0-9—Chief of Naval Education and Training, Code 013, NAS, Pensacola, FL 32508-5100
- N00063, NT\*, NTZ—Naval Telecommunications Command, 4401 Massachusetts Avenue, NW, Washington, DC 20394-5290
- N00065, S0\*, S0Z—Naval Oceanography Command, NSTL, MS 39529-5000
- N00069, 8Q\*, 8QZ—Naval Security Group HQ, 3801 Nebraska Avenue, NW, Washington, DC 20390-0008
- N00070, LP\*, V5\*, 4L\*, LPZ—Commander in Chief Pacific Fleet, Pearl Harbor, HI 96860-7000
- N00072, 9T\*, LC\*, 9TZ—Commander, Naval Reserve Force, Code 17, New Orleans, LA 70146
- N00074, QH\*, QHZ—Naval Special Warfare Command, NAVPHIBASE Coronado, San Diego, CA 92155
- N00101, 3R—Naval Air Station, South Weymouth, MA 02190
- N00102, EN—Portsmouth Naval Shipyard, Portsmouth, NH 03801
- N00104, EP, EQ—Navy Ships Parts Control Center, Mechanicsburg, PA 17055
- N00105, JT—Naval Medical Clinic, NAVSHIPYD, Portsmouth, NH 03801
- N00109, F1—Naval Weapons Station, Yorktown, VA 23491
- N00123, ES—Commanding Officer, Naval Regional Contracting Center, 937 N. Harbor Drive, San Diego, CA 92132-5106
- N00124, M5—Naval War College, Newport, RI 02840
- N00127, H1—Naval Air Station, Quonset Point, RI 02819
- N00128, EU—Supply Department, Naval Administrative Command, Naval Training Station, Great Lakes, IL 60088

\* An asterisk indicates a two-digit code of a major command, which is shared with subordinate activities. Such subordinate activities will indicate the Unit Identification Code of the major command in parentheses, e.g. (MAJ00011).



- N00129, EV—Submarine Base, New London, Groton, CT 06340
- N00140, EX, LA—Commanding Officer, Naval Regional Contracting Center, Naval Base Bldg. No. 600, Philadelphia, PA 19112
- N00146, QK—Marine Corps Air Station, Cherry Point, NC 28533
- N00151, EY—Philadelphia Naval Shipyard, Philadelphia, PA 19112
- N00153, NO—Governor, Naval Home, 01800 East Beach Blvd., Gulfport, MS 39501
- N00158, 3V—Naval Air Station, Willow Grove, PA 19090
- N00161, FA—Naval Academy, Annapolis, MD 21402
- N00163, FB—Naval Avionics Center, 21st and Arlington Avenue, Indianapolis, IN 46218
- N00164, FC—Naval Weapons Support Center, Crane, IN 47522
- N00166, (MAJ00072), LC0-1—Naval Air Facility, Bldg 3086, Andrews AFB, Washington, DC 20396-5130
- N00167, FD—David W. Taylor Naval Ship, Research & Development Center, Carderock Laboratory, Bethesda, MD 20084-5000
- N00168, FE—Naval Medical Command, National Capital Region, Bethesda, MD 20014
- N0017A—Atlantic Fleet Weapons Training Facility (Code 51) (Roosevelt Roads, PR), Naval Station, Box 3023, FPO Miami 34051
- N00171, N5—HQ, Naval District Washington, Washington Navy Yard, Washington, DC 20374
- N00173, FF—Naval Research Laboratory, Washington, DC 20390
- N00174, FG—Naval Ordnance Station, Indian Head, MD 20640
- N00181, FJ—Norfolk Naval Shipyard, Portsmouth, VA 23709
- N00187, 3J—Navy Public Works Center, Norfolk, VA 23511
- N00188, H2—Naval Air Station, Norfolk, VA 23511
- N00189, FK, H3—Naval Supply Center, Norfolk, VA 23512
- N00191, FL—Charleston Naval Shipyard, Naval Base, Charleston, SC 29408
- N00193, (MAJ00024), EHD-G—Commanding Officer (Code 11), Naval Weapons Station, Charleston, SC 29408-7000
- N00196, 3K—Commanding Officer (Code 60), Naval Air Station, Atlanta, Marietta, GA 30060
- N00197, FM—Naval Ordnance Station, Louisville, KY 40214
- N00203, (MAJ00018), MCL—Commanding Officer, Naval Hospital, Pensacola, FL 32512
- N00204, FN—Naval Air Station (Code 19P10), Pensacola, FL 32508
- N00205, FP—Naval Support Activity (Code N443), New Orleans, LA 70146
- N00206—Naval Air Station, New Orleans, LA 70146
- N00207, FQ—Naval Air Station, Jacksonville, FL 32212
- N00211, (MAJ00018), MCQ-S—Naval Hospital, Great Lakes, IL 60088-5230
- N00213, H4—Naval Air Station, Key West, FL 33040
- N00215, 3W—Naval Air Station (Code 60), Dallas, TX 75211
- N00216, FR—Commanding Officer (Code 194), Naval Air Station, Bldg 10, Corpus Christi, TX 78419
- N00221, K5—Mare Island Naval Shipyard, Vallejo, CA 94592
- N00228, FU—Naval Supply Center, Oakland, CA 94625
- N00231—Commanding Officer, Naval Medical Clinic, Quantico, VA 22134
- N00232, (MAJ00018), MCC-E—Naval Hospital, Jacksonville, FL 32214-5222
- N00236, NX—Naval Air Station, Alameda, CA 94501
- N00244, NW—Naval Supply Center, Naval Base, 937 North Harbor Drive, San Diego, CA 92132
- N00245, (MAJ00070), LPN—Naval Station, San Diego, CA 92136-5000
- N00246, H5—Naval Air Station, North Island, San Diego, CA 92135
- N00247, HC—Naval Training Center, San Diego, CA 92133
- N00249—Commanding Officer, Civil Engineer Support Office, Naval Construction Battalion Center, Port Hueneme, CA 93043
- N00250, FW—Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, NY 10305
- N00251, FX—Puget Sound Naval Shipyard, Bremerton, WA 98314
- N00253, FY—Commanding Officer, Naval Undersea Warfare Engineering Station, Keyport, WA 98345
- N00255, (MAJ00070), LPS-T, LPW-X—Naval Station Puget Sound, Seattle, WA 98115-5000
- N00267, (MAJ00018), MC0-1—Commanding Officer, Navy Medical Clinic, Key West, FL 33040
- N00274, (MAJ00072), LCA-B—Naval Air Facility, Detroit, Selfridge Air Force Base, Supply Department, Mt. Clemens, MI 48045
- N00275, 3M—Naval Air Station, Glenview, IL 60026
- N00276—Naval Air Station, Twin Cities, Minneapolis, MN 55450
- N00281, (MAJ00062), L90-1—Commanding Officer, Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, VA 23461
- N00285, (MAJ00018), MDR—Commanding Officer, Naval Hospital, Corpus Christi, TX 78419
- N00288—Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120
- N00296, NY—Naval Air Station, Moffett Field, CA 94035
- N00311, GA—Pearl Harbor Naval Shipyard, Box 400, Pearl Harbor, HI 96860
- N00314, M7—Submarine Base, Pearl Harbor, HI 96860
- N00334, N6—Naval Air Station, Barbers Point, HI 96862
- N00383, GB, GC—Navy Aviation Supply Office, 700 Robbins Avenue, Philadelphia, PA 19111
- N00389, KL, MM—Contracting Officer (Code 192), U.S. Naval Station (Roosevelt Roads, PR), Box 3002, FPO Miami 34051
- N00406, GE—Naval Supply Center, Puget Sound, Bremerton, WA 98314
- N00421, M8—Naval Air Test Center, Patuxent River, MD 20670
- N00600, GG—Naval Regional Contracting Center, Washington Navy Yard, Washington, DC 20374
- N00604, NQ—Naval Supply Center, Pearl Harbor, Pearl Harbor, HI 96860
- N00612, GH—Commanding Officer, Naval Supply Center, RCD, Code 200M, Charleston, SC 29408
- N00619, (MAJ00018), QA0-9—Naval Hospital, Oakland, CA 94627-5000
- N00620, H6—Naval Air Station, Whidbey Island, Oak Harbor, WA 98277
- N00639, H7—Commanding Officer, Naval Air Station, Memphis (84), Millington, TN 38054
- N00651, H8—Naval Supply Depot, Subic Bay (Philippines), Box 33, FPO San Francisco, CA 96651
- N00702, (MAJ00069), 8QM-N—Naval Security Group Activity, Winter Harbor, ME 04693
- N00743, 8N—Commanding Officer, Naval Communication Station (Roosevelt Roads, PR), Box 3022, FPO Miami 34051
- N00788—Commanding Officer, Naval Communication Unit, Washington, (Cheltenham, MD), Washington, DC 20390
- N00849, (MAJ00069), 8QC—Naval Security Group Activity, Skaggs Island, Sonoma, CA 95476-5000
- N00886, QB—Naval Communication Station, San Francisco, Rough and Ready Island, Stockton, CA 95203
- N00927, (MAJ00063), NTA—U.S. Naval Communication Station (San Miguel), FPO San Francisco 96656-1803
- N00950, 8R—Naval Communication Area, Master Station, EASTPAC, Wahiawa, HI 96786
- N0417A, (MAJ00025) EJA—Naval Support Facility, P.O. Box 1000, Thurmont, MD 21788
- N0428A, 3Q—Naval Air Station, Patuxent River, MD 20670
- N0429A, 3A—Naval Air Station, Point Mugu, CA 93042



- N0463A, (MAJ00024), EHC—  
Commanding Officer, Navy  
Experimental Diving Unit,  
NAVCOASTSYSCEN, Bldg. 321,  
Panama City, FL 32401
- V04697, (MAJ00060), LHA—USS Simon  
Lake, FPO Miami, FL 34085-2590
- N0488A, HS—Navy Manpower  
Engineering Center Detachment, San  
Diego, CA 92147
- N0597A, (MAJ31699), HXP-W—Director,  
Office of Civilian Personnel  
Management, Southeast Region, Bldg  
A-67, Naval Base, Norfolk, VA 23511-  
6098
- N0598A, (MAJ31699), HXN—Director,  
Office of Civilian Personnel  
Management, Pacific Division, Box  
119, Pearl Harbor, HI 96860-5060
- N0604A, (MAJ31699) HXJ-L—Director,  
Office of Civilian Personnel  
Management, Northwest Region, 2890  
North Main Street, Suite 301, Walnut  
Creek, CA 94596-2739
- N0605A, (MAJ31699), HXG-H—Director,  
Office of Civilian Personnel  
Management, Northeast Region, Bldg.  
75-3 Naval Base, Philadelphia, PA  
19112-5006
- N0618A, (MAJ00062), 8AE—School of  
Music, Naval Amphibious Base, Little  
Creek, Norfolk, VA 23521-5240
- N0619A, 8E—Naval Health Sciences  
Education & Training Command,  
NAVMECOM NATCAPREG,  
Bethesda, MD 20814
- N08939—Navy Section, US Military  
Group (Caracas, Venezuela),  
Department of State, Washington, DC  
20521
- N09534—Navy Section, US Military  
Group (Lima, Peru), APO Miami 34031
- N09550, 4C—Commander Fleet Air  
Mediterranean (Naples, Italy), FPO  
New York, NY 09521
- N30492, (MAJ00039), NSC—David W.  
Taylor Naval Ship Research and  
Development Center Detachment  
Puget Sound, Bremerton, WA 98324-  
5215
- N30776, 4N—Naval Air Station,  
Kingsville Auxiliary Landing Field  
Detachment, Orange Grove, TX 77630
- N30779, 3Z—Naval Auxiliary Landing  
Field, Goliad, TX 77963
- N30829—Officer in Charge, Naval  
Support Activity, Naples Detachment  
(Gaeta, Italy), FPO New York 09522
- N30929—Commanding Officer, Navy  
Flight Demonstration Squadron (Blue  
Angels), Naval Air Station, (Attn:  
Supply Officer), Pensacola, FL 32508
- N31149, (MAJ00024), EHA-B—Naval Sea  
Logistics Center Det, Philadelphia  
Naval Base, Philadelphia, PA
- N31699, V8\*, HX\*, V8Z—Office of Under  
Secretary of the Navy, Washington,  
DC 20350-1000
- N31701, (MAJ31699), V80-1—Assistant  
Secretary of the Navy, (Shipbuilding &  
Logistics), Washington, DC 20360-5000
- N31863—Director, Naval Audit Service,  
Capital Region, P.O. Box 1206, Falls  
Church, VA 22041
- N31954, (MAJ00062), R0X—Submarine  
Training Facility, San Diego, CA 92106
- N32525, 8S—U.S. Naval Communication  
Detachment, Naples Detachment  
(Sigonella, Italy), FPO New York  
09523
- N32778, (MAJ00070), 4LE—Fleet  
Activities, Chinhae (Korea), FPO San  
Francisco 98769-1100
- N32832, 7K—Naval Aviation Logistics  
Center, European Repair and Rework  
Activity Representative (Alverca,  
Portugal), APO New York, NY 09285
- N32960, K2—Navy Support Office, La  
Maddelena (Sardinia Italy), FPO New  
York 09533
- N33137—Naval Intelligence Operations  
Group Det CTG 168.4, (Munich,  
Germany), APO New York 09108
- N35316, (MAJ00060), JOG—Patrol  
Combatant Mission Squadron Two,  
Mobile Logistics Support Group,  
Trumbo Point Annex, NAS Key West,  
FL 33040
- N39167—Commanding Officer, Naval  
Branch Medical Clinic, Naval Air  
Station, Meridian, MS 39309
- N39353, GV—Commanding Officer,  
Integrated Combat Systems Test  
Facility, San Diego, CA 92152
- N41756, LE—Navy Engineering Logistics  
Office, Washington, DC 20000
- N42237, 7A—Commanding Officer,  
Naval Submarine Base, Code N411,  
Kings Bay, GA 31547
- N44405, (MAJ00062), 8AA—Antilles  
Consolidated School System, Box 3200  
(Roosevelt Roads, PR) FPO Miami  
34051
- N44416, (MAJ00023), 4JL—Navy  
Publishing and Printing Service,  
Northern Area, 700 Robbins Avenue,  
Philadelphia, PA 19111-5093
- N44930, KN—Intra-Fleet Supply Support  
Operations Program, Norfolk, VA  
23512
- N44967, KP—Naval Sea Systems  
Command Detachment (PERA CSS),  
San Francisco, CA 94124-2995
- N45045, (MAJ31699), V8A—Navy  
Comptroller Standard Systems  
Activity Det., Raleigh Oaks Plaza  
Office Bldg., 3606 Austin Peay  
Highway, Memphis, TN 38128-3757
- N45406, LD—Officer in Charge, Naval  
Sea Systems Command Detachment  
(PERA CV), Bremerton, WA 98310-  
0206
- N45411, (MAJ00070), LPE—Assault Craft  
#5, MCB Camp Pendleton, CA 92055-  
5003
- N45854, (MAJ00011), LBE—Fleet  
Surveillance Support Command,  
Chesapeake, Chesapeake, VA 23322-  
5010
- N46079—Military Sealift Command  
Office, Northern Europe,  
(Bremerhaven, Germany), APO New  
York 09069-0006
- N46450, L5—Naval Supply Center,  
Charleston Detachment, Naval  
Submarine Base, Kings Bay, GA 31547
- N46531 (N31699), HX0-E—Office of  
Civilian Personnel Management,  
National Capital Region, 801 N.  
Randolph Street, Arlington, VA 22203
- N46656, NP—Telecommunication  
Management Detachment West, 937  
North Harbor Drive, San Diego, CA  
92132-5104
- N46657 (MAJ00063), NT0-NT1—  
Telecommunications Management  
Detachment Pacific, Wahiawa, HI  
96786-3050
- N46658, LQ—Telephone Management  
Detachment East, Wards Corner  
Executive Center, Suite 222, 138 E.  
Little Creek Road, Norfolk, VA 23505
- N46659, KJ—Telephone Management  
Detachment Europe, (Naples, Italy),  
FPO New York 09524
- N46904 (MAJ00060), J00-1—  
Commanding Officer,  
Precommissioned Unit, Antisubmarine  
Warfare Training Group Atlantic, Bldg  
CEP 104, Naval Station, Norfolk, VA  
23511-6495
- N47408 (MAJ00025), EJP-EJW—Naval  
Construction Battalion Center, Naval  
Facilities Engineering Command  
Contracts Office, Port Hueneme, CA  
93043-5000
- N47875 (MAJ00019), GUP-S—Naval  
Technical Representative Detachment  
Bethpage, Grumman Aerospace  
Corporation, Bethpage, NY 11714-3593
- N47876 (MAJ00019), GUJ-L—Naval  
Technical Representative Detachment  
Burbank, Lockheed Aeronautical  
Systems Company, P.O. Box 551,  
Burbank, CA 91503
- N47877, GD—Naval Technical  
Representative Detachment St. Louis,  
McDonnell Douglas Corporation, P.O.  
Box 516, St. Louis, MO 63166-0516
- N47878 (MAJ00019), GUV—Naval  
Technical Representative Detachment  
Lynn, General Electric Company,  
Aircraft Engine Business Group, 1000  
Western Avenue, Lynn, MA 01910-  
0445
- N47879 (MAJ00019), GU0-B—Naval  
Technical Representative Detachment  
Stratford, United Technologies  
Corporation, Sikorsky Aircraft  
Division, Stratford, CT 06497
- N48521 (MAJ00019), GUX—Naval  
Technical Representative Detachment  
Bell, Bell Helicopter Textron, P.O. Box  
482, Bldg. 2, Fort Worth, TX 76101
- N52846 (MAJ00019), EFA-B—Naval  
Aviation Depot Operations Center  
Detachment, European Repair and  
Rework Activity (NERRA), (Naples,



- Italy), Box 50, FPO New York 09520-5000
- N52855, LZ—Special Boat Unit 11, FPO San Francisco 96601-4517
- N53210 (MAJ00060), LHJ-K—Assault Craft Unit 2, Naval Amphibious Base, Little Creek, Norfolk, VA 23520
- N53825, GY—Naval Surface Force, US LANTFLT, Norfolk, VA 23511-6002
- N53999 (MAJ00060), JOQ-R—Seal Team Six, Naval Amphibious Company, Norfolk, VA 23521
- N55131 (MAJ00060), JOA-B—Cargo Handling and Port Group, Williamsburg, VA 23187-5792
- N55322 (MAJ00060), LHN—Explosive Ordnance Disposal Group Two, Fort Story, VA 23459-5024
- N55418, (MAJ00070), V50—Naval Support Force, Antarctica, Detachment Christchurch, (Christchurch, New Zealand), FPO San Francisco 96690
- N57007, VO—Commander, Middle East Force, (Jufair, Bahrain), FPO New York 09501-6008
- N57012, GQ—Commander Naval Air Force, U.S. Atlantic Fleet, Naval Air Station, Norfolk, VA 23511
- N57016 (MAJ00060), JON—Commander Submarine Force, U.S. Atlantic Fleet, Norfolk, VA 23511-6296
- N57023, GT—Commander, Operational Test and Evaluation Force, Naval Base, Norfolk, VA 23511
- N57032—Naval Air Facility, (Mildenhall, UK), FPO New York 09127
- N57049, (MAJ00060), JOE-F, V-X—Naval Support Facility (Antigua, West Indies), FPO Miami 34054
- N57053 (MAJ00070), LPQ—Naval Facility, Centreville Beach, Ferndale, CA 95536-9768
- N57075 (MAJ00060), LH9—Commanding Officer, Naval Facility Argentina (Canada), FPO New York 09597-1051
- N57095 (MAJ00060), LH0-1—Atlantic Fleet Headquarters Support Activity, CINLANTFLEET, Norfolk, VA 23511
- N57100, (MAJ00070), LPO-1—Naval Special Warfare Group One, NAVPHIBASE Coronado, San Diego, CA 92155
- N60002—Commanding Officer, Naval Hospital, Millington, TN 38054
- N60028, QC—Naval Station, Treasure Island, San Francisco, CA 94130
- N60036, QD—Naval Weapons Station, Concord, CA 94520
- N60042, (MAJ00070) LPU—Naval Air Facility, El Centro, CA 92243
- N60050, HD—Marine Corps Air Station, El Toro, Santa Ana, CA 92709
- N60087, 3P—Naval Air Station, Brunswick, ME 04011
- N60169, W0—Commanding Officer, Marine Corps Air Station, Beaufort, SC 29904
- N60191, 4A—Naval Air Station, Oceana, Virginia Beach, VA 23460
- N60200, 3G—Commanding Officer, Naval Air Station, Cecil Field, FL 32215
- N60201, L7—Commanding Officer, Naval Station, P.O. Box M, Mayport, FL 32228
- N60211, 3D—Naval Auxiliary Landing Field, Crows Landing, CA 95313
- N60234, 4R—Naval Air Station, Whiting Field, OLF Saufley Field, Pensacola, FL 32508
- N60241, 3X—Commanding Officer, Naval Air Station, Bldg. 2701, Kingsville, TX 78363
- N60258, GK—Long Beach Naval Shipyard, Long Beach, CA 90801
- N60259, H9—Naval Air Station, Miramar, San Diego, CA 92145-5000
- N60268, (MAJ62980) MQ0-1—Navy Recruiting District Chicago, Glenview, IL 60026-5200
- N60376, 3Y—Commanding Officer, Naval Air Station, Chase Field, Beeville, TX 78103
- N60462, WE—Naval Air Station, Adak (Alaska), FPO Seattle, WA 98791-1200
- N60478, 3C—U.S. Naval Weapons Station, Earle Colts Neck, NJ 07722
- N60495, 3T—Naval Air Station, Fallon, NV 89406
- N60508, 4Q—Commanding Officer, Naval Air Station, Whiting Field, Milton, FL 32570
- N60514, GL—Commanding Officer, Naval Station (Guantanamo Bay, Cuba), Box 33, FPO New York 09593
- N60530, GM—Naval Weapons Center, China Lake, CA 93555
- N60656, GN—Navy Resale Activity, Naval Station, Annapolis, MD 21402
- N60663, GR—Officer in Charge, Naval Resale Activity, Commissary Support Office, Naval Base, Bldg 2600, Great Lakes, IL 60088
- N60666, GS—Navy Resale Activity, Naval Air Station, Key West, FL 33040
- N60676, GX—Navy Resale and Services Support Office, Field Support Office Commissary Div., Naval Air Station, Mechanicsburg, PA 17055
- N60681, HA—Commissary Store Division, NAVRESSOFSO, Naval Station, San Diego, CA 92136
- N60693, HB—Navy Resale Activity, Commissary Support Office, Naval Base Pearl Harbor, Box 110, Pearl Harbor, HI 96860
- N60701, 4M—Naval Weapons Station, Seal Beach, CA 90740
- N60865, (MAJ00070), V5X—Naval Forces, Marianas (Guam), FPO San Francisco 96630
- N60872, (MAJ00070), V5T—Naval Magazine (Guam), FPO San Francisco 96630-1300
- N60895, HF—Commissary Store Division, NAVRESSOFSO, Naval Air Station, Alameda, CA 94501
- N60921, HG, FH—Commander, Naval Surface Weapons Center, Headquarters, Dahlgren, VA 22448
- N60935, HH—Commissary Store Div, NAVRESSOFSO, Naval Air Station, Jacksonville, FL 32212
- N60936, HJ—Navy Resale Activity Commissary Region Support Office, Naval Air Station, Pensacola, FL 32508
- N60937, HK—Navy Resale Activity Det Commissary Store, Naval Support Activity, New Orleans, LA 70140
- N60938, HL—Navy Resale Activity, Commissary Support Office, Naval Air Station, Corpus Christi, TX 78419
- N60939, HM—Navy Resale Activity Commissary Store, Naval Air Station, Memphis 32, Millington, TN 38054
- N60951, (MAJ00060) LHU—Fleet Accounting and Disbursing Center, U.S. Atlantic Fleet, Norfolk, VA 23511-6096
- N60956, (MAJ31699) V8J-N—Navy Regional Finance Center, Great Lakes, IL 60088-5797
- N6115, HN—Navy Resale Activity, Submarine Base, New London, Groton, CT 06340
- N61119, HP—Naval Supply Depot, Guam, FPO San Francisco, CA 96630
- N61165, NN—Supply Officer, Bldg NS46, Naval Station, Charleston, SC 29408-5000
- N61174, 7B—Naval Station, New York, Brooklyn, NY 11251
- N61189 (MAJ00060) J0T—Naval Station, Philadelphia, PA 19112
- N61217, HQ—Navy Resale Activity, Naval Air Station, Bermuda, FPO New York 09560
- N61331, HR—Commanding Officer, Naval Coastal Systems Center, Panama City, FL 32407
- N61337, H0—Commanding Officer, Naval Hospital, Beaufort, SC 29904
- N61339, HT—Commanding Officer, Naval Training Systems Center (N-601), 12350 Research Parkway, Orlando, FL 32826-3275
- N61414, 4B—Naval Amphibious Base, Little Creek, Norfolk, VA 23521
- N61463 (MAJ00060) LHC—Naval Base, Norfolk, VA 23511-6002
- N61466—Commander, Naval Base, Bldg. NH48, Charleston, SC 29408
- N61510, HU—Navy Resale Activity, Naval Station, Guam, Box 179, FPO San Francisco, CA 96630
- N61533, HW—David W. Taylor Naval Ship Research and Development Laboratory, Annapolis, MD 21402
- N61584, FS—Naval Hospital, NAVBASE (Guantanamo Bay, Cuba), FPO New York 09593
- N61577 (MAJ00070) V5P—Naval Air Station, Agana (Guam), Box 60, FPO San Francisco 96630-1200



- N61581 (MAJ00070) 4LT—Fleet Activities, (Yokosuka, Japan), FPO Seattle, 98762-1100
- N61685 (MAJ00065) SOA—Naval Oceanography Command Center (Guam), Box 12, FPO San Francisco 96630-2926
- N61726, QL—Naval Hospital, Naval Submarine Base New London, Groton, CT 06349
- N61751 (MAJ00018) MCN—Naval Medical Research Unit No. 3, Cairo (Egypt), FPO New York 09527-1600
- N61755 (MAJ00070) V5E—Naval Station (Guam), FPO San Francisco 96630-1000
- N61762, HY—Naval Ordnance Missile Test Facility, White Sands Missile Range, NM 88002
- N62021, 7V—Naval Amphibious Base, Coronado, San Diego, CA 92155
- N62161, HZ—Navy Resale Activity Det, Rough and Ready Island, Stockton, CA 95203
- N62190—Commanding Officer, Naval Research Laboratory, Underwater Sound Reference Detachment, P.O. Box 8337, Orlando, FL 32856
- N62191, (MAJ00062), L97—Commanding Officer, Naval Research Officers Training Corps and Naval Administrative Unit, Room 20E-125, Massachusetts Institute of Technology, Cambridge, MA 02139
- N62254, (MAJ00070), 4LX—Commander Fleet Activities, Okinawa Naval Air Facility, Kadena (Ryukyu Islands Southern), Box SU/CR, FPO Seattle, WA 98770-1100
- N62269, JC—Commander, Naval Air Development Center, Johnsville, Warminster, PA 18974
- N62271, QE—Naval Postgraduate School, Monterey, CA 93940
- N62285, (MAJ00065), S00-1—Naval Observatory, Washington, DC, 34th and Massachusetts Avenue, NW., Washington, DC 20390-5100
- N62306, 7C—Commanding Officer (Code 4410), Naval Oceanographic Office, National Space Technology Laboratory, Bay St. Louis, MS 39552
- N62367, (MAJ00023), 4JC—Navy Clothing and Textile Research Facility, 21 Strathmore Road, Natick, MA 01760-2490
- N62376, 4K—Commanding Officer, Naval Air Propulsion Center, P.O. Box 7176, Trenton, NJ 08628
- N62381, JG—Military Sealift Command, Atlantic Military Ocean Terminal, Building 42, Bayonne, NJ 07002
- N62382—Military Sealift Command Office, Gulf Subarea, 4400 Dauphin Street, New Orleans, LA 70146
- N62383, JH—Military Sealift Command, Pacific, Naval Supply Center, Oakland, CA 94625
- N62387—Commander, Military Sealift Command (Code M10-3), 4228 Wisconsin Avenue, NW., Washington, DC 20016
- N62395, JK—Navy Public Works Center, Mariana Island Guam (U.S.), FPO San Francisco, CA 96630-2937
- N62401, 3F—Navy Publication and Printing Service Office, Defense Printing Service, The Pentagon, Washington, DC 20350-3000
- N62404, JJ—Military Sealift Command, Far East, (Yokohama, Japan), FPO Seattle, WA 98760
- N62410, (MAJ62980), MQ6—Navy Recruiting District, P.O. Box 8667, Albuquerque, NM 87198-8667
- N62412, (MAJ62980), MLR—Commanding Officer, Navy Recruiting District, Perry Hill Office Park, 3815 Interstate Court, Montgomery, AL 36109-5294
- N62415, (MAJ62980), MLX—Commanding Officer, Navy Recruiting District, Strom Thurmond Federal Bldg., Suite 771, 1835 Assembly Street, Columbia, SC 29201-2430
- N62416, NV—Navy Recruiting District Columbus, Room 609 Federal Bldg., 200 North High Street, Columbus, OH 44142-2474
- N62419—Commanding Officer, Navy Recruiting District, Melrose Bldg., 1121 Walker Street, Houston, TX 77002
- N62422—Commanding Officer, Navy Recruiting District, 2974 Woodcock Drive, Jacksonville, FL 32207
- N62423—Commanding Officer, Navy Recruiting District, 301 Center Street, Little Rock, AR 72201
- N62425—Commanding Officer, Navy Recruiting District, 1808 West End Ave., Suite 1312, Nashville, TN 37203
- N62427, (MAJ62980), MLP—Navy Recruiting District Omaha, Overland-Wolf Bldg, 6910 Pacific, Omaha, NE 68106
- N62429, (MAJ62980), MLE—Navy Recruiting District Portland, 1220 SW Third Avenue, Suite 576, Portland, OR 97204
- N62430—Commanding Officer, Navy Recruiting District, 1001 Navaho Drive, Raleigh, NC 27609
- N62435, (MAJ62980), MQE—Navy Recruiting District Boston, 495 Summer Street, Boston, MA 02210-2103
- N62437, (MAJ62980), MQ4—Commanding Officer, Navy Recruiting District, 918 So. Ervay Street, Dallas, TX 75201
- N62438, (MAJ62980), MLQ—Navy Recruiting District Denver, Capital Life Center, 3rd Floor, 1600 Sherman Street, Denver, CO 80203-1668
- N62440, (MAJ62980), MLT—Navy Recruiting District, 2420 Broadway, Kansas City, MO 64108
- N62441, (MAJ62980), MLG—Navy Recruiting District Los Angeles, 5051 Rodeo Road, Los Angeles, CA 90016
- N62442—Commanding Officer, Navy Recruiting District Atlanta, 612 Tinker Street, Suite C, Marietta, GA 30060
- N62443, (MAJ62980) MLV—Navy Recruiting District, Federal Office Bldg., 2nd & Washington Avenues, S., Minneapolis, MN 55401
- N62444—Commanding Officer (Code 602-2C), Navy Recruiting District, 4400 Dauphine Street, New Orleans Street, New Orleans, LA 70146
- N62448, (MAJ62980) MLN—Navy Recruiting District San Francisco, 1500 Broadway, Room 210, Oakland, CA 94612-1430
- N62449, (MAJ62980) MLC—Navy Recruiting District Seattle, Naval Station, Bldg 30, Seattle, WA 98115-5105
- N62467, JM—Commanding Officer, Naval Facilities Engineering Command, Southern Division, (SOUTHNAVFACENGCOM), 2155 Eagle Drive, P.O. Box 10068, Charleston, SC 29411-0068
- N62470, JN—Naval Facilities Engineering Command, Atlantic Division, Norfolk, VA 23511
- N62471, N7—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Mid-Pacific, Pearl Harbor, HI 96860
- N62472, JP—Naval Facilities Engineering Command, Northern Division, U.S. Naval Base, Philadelphia, PA 19112
- N62474, JR—Naval Facilities Engineering Command, Western Division, San Bruno, CA 94066
- N62477, JU—Naval Facilities Engineering Command, Chesapeake Division, Washington Navy Yard, Washington, DC 20374
- N62481, N8—Naval Air Station, Bermuda, FPO New York 09560
- N62507 (MAJ00070) 4LJ—Commanding Officer, Naval Air Facility, Atsugi, Japan, Box 3, FPO Seattle 98767-1200
- N62522, JV—Military Sealift Command, Europe, (London, UK), Box 3, FPO New York 09510-3700
- N62535, HE—Marine Corps Air Station (HELO), Tustin, CA 92710
- N62537—Military Sealift Command, Mediterranean Sub-Area (Naples, Italy), Box 23, FPO New York 09521-0600
- N62538, K1—Military Sealift Command Office, NSC, Bldg Y100A, Norfolk, VA 23512
- N62539—Military Sealift Command Office, United Kingdom (London, UK), Box 29, FPO New York 09510-3700
- N62573, K8—Marine Corps Air Station, New River Plaza, Jacksonville, NC 28540
- N62576 (MAJ00023) 4JG—Navy Publishing and Printing Service, 700



- Robbins Avenue, Philadelphia, PA 19111-5094
- N62578, J2—Naval Construction Battalion Center, Davisville, RI 02854
- N62583, J3—Naval Construction Battalion Center, Port Heuneme, CA 93041
- N62585, K3—Commander, Naval Activities, United Kingdom (London, UK), FPO New York 09510
- N62586 (MAJ00070) V5A-B—Naval Ship Repair Facility (Guam), FPO San Francisco 96630-1400
- N62588, NR—Naval Support Activity, Naples (Italy), FPO New York 09521
- N62593—Director, Navy Publications & Printing Service Det Office, Southeast Div., 4400 Dauphine St., Unit 601-3-B, New Orleans, LA 70146
- N62603—Commanding Officer, Fleet & Mine Warfare Training Center, Naval Base, Bldg 647, Charleston, SC 29408
- N62604, J4—Commanding Officer, Naval Construction Battalion Center, Gulfport, MS 39501
- N62613, (MAJ00027) MUE—Commanding Officer, Marine Corps Air Station, (Iwakuni, Japan), FPO Seattle 98764-5001
- N62645, EG—Naval Medical Materiel Support Command, Fort Detrick, Frederick, MD 21701-5015
- N62649, JY—Naval Supply Depot, Yokosuka (Japan), FPO Seattle 98762
- N62651—Director, Navy Publications & Printing Service Detachment Office, Southeast Division, Pensacola, FL 32508
- N62653, (MAJ00023) 4JW-X—Director, Navy Publications & Printing Service Office, Southeast Division, Bldg. 1628, Naval Base, Charleston, SC 29408
- N62654, (MAJ00019) EFE—Naval Weapons Evaluation Facility, Kirtland AFB, Albuquerque, NM 87117
- N62665, JQ—Supervisor of Shipbuilding, Conversion and Repair, USN, Barnes Building—6th Floor, 495 Summer Street, Boston, MA 02210
- N62670, 8B—Supervisor of Shipbuilding, Conversion and Repair, USN, Drawer T, Mayport Naval Station, Jacksonville, FL 32228
- N62673, 8P—Supervisor of Shipbuilding, Conversion and Repair, USN, Naval Base, Charleston, SC 29408
- N62678, 8C—Supervisor of Shipbuilding, Conversion and Repair, USN, P.O. Box 215, Portsmouth, VA 23705
- N62686, T0—Navy Publishing and Printing Service Office, Naval District Washington, Building 157-2, Washington Naval Yard, Washington, DC 20374-1572
- N62688, GW—Naval Station, Naval Base, Norfolk, VA 23511-6002
- N62695—Auditor General of the Navy, Naval Audit Services Headquarters, P.O. Box 1206, Falls Church, VA 22041
- N62700 (MAJ00023), 4JJ—Navy Publications and Printing Service Detachment Office, Northern Division, Bldg 2A, Great Lakes, IL 60088-5708
- N62703 (MAJ00023), 4JA—Navy Publications and Printing Service, Detachment Office, Bldg 530, Puget Sound Naval Shipyard, Bremerton, WA 98314
- N62705 (MAJ00023), 4JN—Navy Publications and Printing Service Detachment Office, Naval Supply Center, Oakland, CA 94625-5045
- N62706, JS—Navy Publications and Printing Service Office, Western Division, Bldg. 154, San Diego, CA 92136-5148
- N62707 (MAJ00023), 4JS-U—Navy Publishing & Printing Service Detachment Office, Western Area, Pearl Harbor, Box 126, Pearl Harbor, HI 96860-5120
- N62735 (MAJ00070), 4LP—Commander, Fleet Activities, (Sasebo, Japan), FPO Seattle 98766-1100
- N62741, MB—Commanding Officer, Navy Supply Corps School, Code 60, Athens, GA 30606
- N62742, KB—Naval Facilities Engineering Command, Pacific Division, Pearl Harbor, HI 96860
- N62745—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Mediterranean (Madrid, Spain), APO New York 09285
- N62755, J7—Commanding Officer, Navy Public Works Center, Pearl Harbor, HI 96860-5470
- N62757 (MAJ00072), 9TW-X—Naval Reserve Center, 7410 West Roosevelt Road, Forest Park, IL 60130-2590
- N62766, L1—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts (Guam), FPO San Francisco, CA 96630
- N62770 (MAJ00070), LPJ-L—Naval Ship Repair Facility, (Subic Bay, Philippines), Box 34, FPO San Francisco 96651-1400
- N62786, ER—Supervisor of Shipbuilding, Conversion and Repair, USN, 574 Washington Street, Bath, ME 04530-0998
- N62789, L8—Supervisor of Shipbuilding, Conversion and Repair, USN, Groton, CT 06340
- N62791, NU—Supervisor of Shipbuilding, Conversion and Repair, USN, Naval Station, Box 119, San Diego, CA 92136-5119
- N62793, 4T—Supervisor of Shipbuilding, Conversion and Repair, USN, Newport News, VA 23607-2785
- N62794, 7D—Supervisor of Shipbuilding, Conversion and Repair, USN, Flushing & Washington Avenues, Brooklyn, NY 11251-9000
- N62795, 7F—Supervisor of Shipbuilding, Conversion and Repair, USN, Pascagoula, MS 39568-2210
- N62798, 4X—Supervisor of Shipbuilding, Conversion and Repair, USN, San Francisco, CA 94124-2996
- N62799, 7M—Supervisor of Shipbuilding, Conversion and Repair, USN, Seattle, WA 98115-5001
- N62808 (MAJ00025), FZ0—Public Works Center, Subic Bay, (Luzon, Republic of the Philippines), FPO San Francisco 96651-2900
- N62832—Naval Activities, Rota, Spain, FPO New York 09540
- N62836, L4—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Far East, Yokosuka, Box 61, FPO Seattle, WA 98762
- N62841 (MAJ00030), EKA—Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, FL 32920-1623
- N62844, K0—Naval Imaging Command, Washington Navy Yard, Washington, DC 20350-2000
- N62849 (MAJ00019), EFC—Naval Aviation Engineering Service Unit, Philadelphia, PA 19112-5088
- N62852—Naval Electronic System Security Engineering Center, Naval Security Station, 3801 Nebraska Avenue NW, Washington, DC 20390
- N62856 (MAJ00060), LHW-X—Naval Air Facility (Lajes, Azores), APO New York 09406-5000
- N62863, K4—Naval Station, Rota, Spain, FPO New York 09540
- N62864, L2—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Southwest Pacific (Manilla, Philippines), APO San Francisco, CA 96528
- N62892 (MAJ00069), 8QA—Commanding Officer, Naval Security Group Activity, Site "B", Card Sound Road, Homestead, FL 33039-6428
- R62894 (MAJ00070), 4LA—Commander, U.S. Naval Forces Korea, (Yongsan, South Korea), APO San Francisco, CA 96301-0023
- N62907, KG—Naval Plant Representative Office, Applied Physics Laboratory, Johns Hopkins Road, Laurel, MD 20810
- N62908, 8D—Naval Weapons Engineering Support Activity, Washington Navy Yard, Washington, DC 20374
- N62911 (MAJ62980), MQC—Navy Recruiting Area One, Scotia, NY 12302-9462
- N62913 (MAJ62980), MLL—Commander, Naval Recruiting Area Three, 451 College Street, P.O. Box 4887, Macon, GA 31208-4887



- N62917 (MAJ62980), ML0-1—  
Commander, Navy Recruiting Area  
Seven, 1499 Regal Row, Suite 501  
Dallas, TX 75247
- N62918 (MAJ62980), MLA—Navy  
Recruiting Area Eight, 7677 Oakport  
Street, Suite 650, Oakland, CA 94621-  
1929
- N62922, 7W—Resident Officer in Charge  
of Construction, Pacific, Department  
of the Navy, P.O. Box 418, San Bruno,  
CA 94067
- N62974, JB—Marine Corps Air Station,  
Yuma, AZ 85364
- N62980, ML\*, MQ\*, MQR-Z—Naval  
Military Personnel Command,  
Washington, DC 20370
- N62990, L3—Supervisor of Shipbuilding,  
Conversion and Repair, USN, P.O. Box  
26, Sturgeon Bay, WI 54235
- N62995, 4H—Naval Air Station,  
Sigonella (Italy), FPO New York 09523
- N63005—Commanding Officer,  
Administrative Support Unit, Bahrain,  
FPO New York 09526
- N63007 (MAJ00060), LHS—Nuclear  
Weapons Training Group, Atlantic,  
Norfolk, VA 23511
- N63015, 7Y—Naval Education and  
Training Support Center, Pacific, Fleet  
Station PO Bldg, San Diego, CA 92132
- N63026 (MAJ00027), MUJ—Marine Corps  
Air Station, (Futenma, Japan), FPO  
Seattle 98772-5001
- N63028, U2—Polaris Missile Facility  
Atlantic, Charleston, SC 29408
- N63032, KS—U.S. Naval Station,  
Keflavik (Iceland), FPO New York  
09571
- N63038, 8M—U.S. Naval Communication  
Unit, Cutler East Machias, ME 04830,
- N63042, NZ—Naval Air Station,  
Lemoore, CA 93245
- N63043, 3S—Commanding Officer,  
Naval Air Station, Meridian, MS 39301
- N63051—Commanding Officer, Naval  
Investigative Service, Southeast  
Region, Naval Base, Bldg NH 53,  
Charleston, SC 29408
- N63053—Commanding Officer, Naval  
Investigative Service Office, P.O. Box  
6438, New Orleans, LA 70174
- N63055, (MAJ00011), LBJ—Naval  
Investigative Service, Mid-Atlantic  
Region Norfolk, 293 Independence  
Blvd, Suite 525, Pembroke 5, Virginia  
Beach, VA 23462
- N63058, (MAJ00011), LBC—Naval  
Investigative Service, Northwest  
Region, Bldg 7, NAVSTA Treasure  
Island, San Francisco, CA 94130
- N63073—U.S. Naval Security Group  
Activity RAF, (Edzell UK), FPO New  
York, NY 09518
- N63080, KT—Navy Resale Activity,  
Chinhae (South Korea), FPO Seattle,  
WA 98769
- N63082—Commanding Officer, Naval  
Technical Training Center, Corry  
Station (Code 4460), Pensacola, FL  
32511
- N63110—Commanding Officer, Chief of  
Naval Air Training (Code N-73),  
Naval Air Station, Corpus Christi, TX  
78419
- N63111—Commanding Officer, Chief of  
Naval Technical Training, Naval Air  
Station, Memphis, Millington, TN  
38054
- N63124—Supervisor of Shipbuilding,  
Conversion and Repair, USN, New  
Orleans, LA 70146
- N63134, 7R—Fleet Numerical  
Oceanography Center, Monterey, CA  
93940
- N63135, (MAJ00023), 4JD-E—Navy  
Publishing & Printing Service  
Management Office, Washington, DC  
20374-1762
- N63136—Navy Section, U.S. Military  
Group, Argentina (Buenos Aires),  
Department of State, Washington, DC  
20521
- N63143, 8K—Naval Communication  
Station, (Keflavik, Iceland), Box 22,  
FPO New York, NY 09571
- N63152, GZ—Fleet Combat Direction  
Systems Support Activity, San Diego,  
CA 92147-5081
- N63165, 7U—Navy Regional Data  
Automation Center, Washington,  
Washington Navy Yard, Washington,  
DC 20374
- N63182, 8T—Naval Communication  
Station, (Rota, Spain), FPO New York,  
NY 09539
- N63204, KV—Naval Plant  
Representative Office, Goodyear  
Aerospace Corp., Akron, OH 44305
- N63209, (MAJ00062), L9A—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
New Mexico, Albuquerque, NM 87106
- N63210, (MAJ00062), L9B—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, Iowa State  
University of Science and Technology,  
Ames, IA 50011-3010
- N63211, (MAJ00062), L9C—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Michigan, Ann Arbor, MI 48109-1085
- N63212, (MAJ00062), L9G—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Texas at Austin, Austin, TX 78712
- N63213, (MAJ00062), L9J—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
California, Berkeley, CA 94720-0001
- N63214, (MAJ00062), L9M—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Colorado, Box 374, Boulder, CO  
80309-0374
- N63215, (MAJ00062), L9U—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, Illinois Institute  
of Technology, 3300 S. Federal Street,  
Chicago, IL 60616-3793
- N63216, (MAJ00062), L9W—  
Commanding Officer, Naval Reserve  
Officers Training Corps Unit,  
University of Missouri, Columbia, MO  
65201
- N63217, (MAJ00062), L9Z—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, Oregon State  
University, Corvallis, OR 97331
- N63218, (MAJ00062), ROB—  
Commanding Officer, Naval Reserve  
Officers Training Corps Unit,  
Northwestern University, Evanston, IL  
60201
- N63219, (MAJ00062), ROE, L99—  
Commanding Officer, Naval Reserve  
Officers Training Corps Unit, Rice  
University, P.O. Box 1982, Houston,  
TX 77001
- N63220, (MAJ00062), ROL—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, UCLA, Mens  
Gym Room 123, 405 Milgard Avenue,  
Los Angeles, CA 90024-1399
- N63221, (MAJ00062), 8AB—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, PED 101,  
University Park MC 0654, University  
of Southern California, Los Angeles,  
CA 90089-0654
- N63222, (MAJ00062), ROH—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Kansas, Lawrence, KS 66044
- N63223, (MAJ00062), ROK—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Nebraska, Lincoln, NE 68508
- N63224, (MAJ00062), 84D—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Wisconsin, 1610 University Avenue,  
Madison, WI 53705
- N63225, (MAJ00062), 8AH—  
Commanding Officer, Naval Reserve  
Officers Training Corps Unit,  
Marquette University, Milwaukee, WI  
53233
- N63226, (MAJ00062), 8AJ—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Minnesota, Minneapolis, MN 55455-  
0108
- N63227, (MAJ00062), 8AK—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, University of  
Idaho, Moscow, ID 83843-3244
- N63228 (MAJ00062), 8AM—Commanding  
Officer, Naval Reserve Officers  
Training Corps Unit, Tulane  
University, New Orleans, LA 70118
- N63229, (MAJ00062), 8AN—  
Commanding Officer, Naval Reserve  
Officers Training Corps Unit,  
University of Oklahoma, Norman,  
Oklahoma 73019



- N63230, (MAJ00062), 8AR—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Notre Dame, Notre Dame, IN 46556-5601
- N63231, (MAJ00062), 8AW—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Utah, Salt Lake City, UT 84112-1107
- N63232, (MAJ00062), 8AY—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Washington, Seattle, WA 98195
- N63234, (MAJ00062), L9Q—Commanding Officer, Naval Reserve Officers Training Corps Unit, 505 East Armory Street, University of Illinois, Champaign, IL 61820-6288
- N63235, (MAJ00062), R05—Commanding Officer, Naval Reserve Officers Training Corps Unit, Purdue University, West Lafayette, IN 47907-0001
- N63273, 4S—Fleet Combat Direction Systems Support Activity, Dam Neck, Virginia Beach, VA 23461
- N63274, 4F, 4W—Naval Electronic Systems Engineering Center, Vallejo, CA 94592
- N63285, (MAJ00011), LBO—Naval Security and Investigative Command, Washington, DC 20388
- N63290 (MAJ00062), R00-1—Commanding Officer, Combat Systems Technical Schools Command, Mare Island, Vallejo, CA 94592
- N63291 (MAJ00062), R0F—Commanding Officer, Naval Reserve Officers Training Corps Unit, Barton Hall, Cornell University, Ithaca, NY 14853
- N63294 (MAJ00062), 8AV—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Rochester, Rochester, NY 14627
- N63295 (MAJ00062), R0M—Commanding Officer, Naval Reserve Officers Training Corps Unit, Rensselaer Polytechnic Institute, Troy, NY 12180-3590
- N63296 (MAJ00062), L9F—Commanding Officer, Naval Reserve Officers Training Corps Unit, Auburn University, Auburn, AL 36830
- N63299 (MAJ00062), R0A—Commanding Officer, Naval Reserve Officers Training Corps Unit, Duke University, Durham, NC 27706
- N63301 (MAJ00062), L9D—Commanding Officer, Naval Reserve Officers Training Corps Unit, Georgia Tech, Atlanta, GA 30313
- N63303 (MAJ00062), R0U—Commanding Officer, Naval Reserve Officers Training Corps Unit, College of the Holy Cross, Worcester, MA 01610-2389
- N63306 (MAJ00062), 8AS—Commanding Officer, Naval Reserve Officers Training Corps Unit, Miami University, Oxford, OH 45056-1698
- N63307 (MAJ00062), R0N—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Mississippi, Box 69, University, MS 38677
- N63308 (MAJ00062), L9R—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of North Carolina, Chapel Hill, NC 27515
- N63309 (MAJ00062), L9Y—Commanding Officer, Naval Reserve Officers Training Corps Unit, The Ohio State University, Columbus, OH 43210-1169
- N63310 (MAJ00062), R0P—Commanding Officer, Naval Reserve Officers Training Corps Unit, Wagner Bldg., The Pennsylvania State University, University Park, PA 16802
- N63311 (MAJ00062), 8AT—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Pennsylvania, Philadelphia, PA 19104
- N63313 (MAJ00062), L9X—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of South Carolina, Columbia, SC 29208
- N63315 (MAJ00062), 8AL—Commanding Officer, Naval Reserve Officers Training Corps Unit, Vanderbilt University (Westside Hall), Nashville, TN 37240
- N63316 (MAJ00062), R0R—Commanding Officer, Naval Reserve Officers Training Corps Unit, Villanova University, Villanova, PA 19085-1699
- N63317 (MAJ00062), L9T—Commanding Officer, Naval Reserve Officers Training Corps Unit, Maury Hall, University of Virginia, Charlottesville, VA 22903-3194
- N63325, 7X—Naval Education & Training Support Center, Atlantic, Bldg. Z-86, Naval Station, Norfolk, VA 23511
- N63339, LL—Navy Resale Activity, Naval Station, Adak (Alaska), FPO Seattle, WA 98791
- N63340, LM—Navy Resale Activity, Naval Station, Argentia (Canada), FPO New York 09597
- N63341, LN—Navy Resale Activity Det. Commissary Store, Naval Air Station, Chase Field, Beeville, TX 78102
- N63344, LR—Navy Commissary Store Region, Naval Station, Charleston, SC 29408
- N63345, LS—Navy Resale Activity, Naval Station, Guantanamo Bay (Cuba), FPO New York 09598
- N63346, LT—Navy Resale Activity, Naval Station, Keflavik (Iceland), FPO New York 09571
- N63348, LV—Navy Resale Activity Det Commissary Store, Naval Air Station, Kingsville, TX 78364
- N63349, LW—Navy Resale Activity, Naval Air Station, Lemoore, CA 93246
- N63350, 3L—Navy Resale Activity, COMNAVACT, Dunstable, UK, FPO New York 09510
- N63351, LY—Navy Commissary Store Region, Naval Station, Long Beach, CA 90802
- N63352, KE—Navy Resale Activity Det Commissary Store, Naval Air Station, Meridian, MS 39301
- N63353, MA—Officer in Charge, Navy Resale Activity, Commissary Support Office, Naval Support Activity, Naples (Italy), FPO New York 09521
- N63357, ME—Navy Resale Activity, Naval Station, Rota (Spain), FPO New York 09540
- N63362, MK—Officer in Charge, Navy Resale Activity, Commissary Support Office, (Subic Bay, Philippines), P.O. Box 28, FPO San Francisco 96651
- N63365, MN—Navy Resale Activity, Commissary Support Office, (Yokosuka, Japan) Box 33, FPO Seattle 98762
- N63367, MP—Officer in Charge, Commissary Di., Navy Resale and Services Support Office, Field Support Office, Norfolk, VA 23511
- N63369—Military Sealift Command Office, Benelux (Rotterdam, Netherlands), APO New York 09159
- N63381, (MAJ00011), LBA—Joint U.S. Military Advisory Group, Thailand, APO San Francisco 96346
- N63387, JD—Navy Public Works Center, Naval Base, San Diego, CA 92136
- N63394, L6—Naval Ship Weapon Systems Engineering Station, Port Hueneme, CA 93043
- N63395, 8L—U.S. Naval Communication Station Thurso, (Caithness, UK), FPO New York 09516
- N63402, K7—Commanding Officer, Strategic Weapons Facility, Pacific, Bremerton, WA 98383
- N63406, (MAJ00070), V5C—Naval Submarine Base San Diego, 140 Sylvester Road, San Diego, CA 92106-3521
- N63408, HV—Navy Material Transportation Office, Norfolk, VA 23511-6691
- N63410, KA—Navy Manpower and Material Analysis Center, Atlantic, Norfolk, VA 23511
- N63427, 8F—U.S. Naval Communication Station, Harold E. Holt, Exmouth, Western Australia, FPO San Francisco 96680
- N63429, MH—Naval Communication Unit London (UK), FPO New York 10000
- N63439, K9—Naval Ophthalmic Support and Training Activity, Yorktown, VA 23690



- N63543, (MAJ00072), 9TC—Naval Reserve Center, 3070 Ross Lane, Central Point, OR 97502-1399
- N63821, (MAJ00039), NSA-B—Officer in Charge, Naval Underwater Systems Center, AUTEC Andros Range Detachment, Andros Island, Bahama Island, FPO New York 09559
- N63886, (MAJ00069), 8QO-1—Naval Security Group Activity, (Adak, AK), FPO Seattle 98777
- N63891, (MAJ00069), 8QG—Naval Security Group, Northwest, Chesapeake, VA 23322
- N64165, (MAJ00062), ROZ—Naval Unit, Lowry Air Force Base, CO 80230
- N64181, (MAJ00062), ROW—Department of Naval Science, Texas Maritime Academy, Galveston, TX 77553-1675
- N64267, M9—Naval Weapons Station, Seal Beach Detachment, Fleet Analysis Center, Corona Annex, Corona, CA 91720
- N64281, 3U, KX—Commanding Office, Naval Sea Combat Systems Engineering Station, Naval Station, Norfolk, VA 23511
- N64356, KF—Commanding Officer, Naval Administrative Command, Armed Forces Staff College, Norfolk, VA 23511-6097
- N64980—Officer in Charge, Naval Weapons Facility, Detachment Machrinhanish, UK, FPO New York 09515
- N64981—Commanding Officer, Naval Weapons Facility, St. Mawgan UK, FPO New York 09511
- N65113, EZ—Navy Public Works Center, Bldg 1A, Great Lakes, IL 60088-5600
- N65114, (MAJ00025), EJC—Commanding Officer, Navy Public Works Center, Naval Air Station, Pensacola, FL 32508-6500
- N65115, (MAJ00025), FZA—Navy Public Works Center, Box 13 (Yokosuka, Japan), FPO Seattle 98762-3100
- N65116, MZ—Officer in Charge, Navy-Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, DC 20374-2001
- N65146, 7E—Procurement Branch, OP-09B31, Office of the Chief of Naval Operations, Support Activity, Washington, DC 20350
- N65198, 3H—Naval Administrative Unit, 550 First Street, Idaho Falls, ID 83401
- N65202—Supervisor of Shipbuilding, Conversion and Repair, USN, Box 400, Pearl Harbor, HI 96860
- N65236, V7—Naval Electronic Systems Engineering Center, 4600 Goer Road, North Charleston, SC 29406
- N65256, (MAJ31699), V8C—Navy Office of Information, East, 133 East 58th Street, 1st Floor, New York, NY 10022
- N65428, (MAJ00018), MDP—Commanding Officer, Naval Hospital (Roosevelt Roads, PR), FPO Miami 34051-8100
- N65440, 4V—Officer in Charge, Navy Resale Activity, Exmouth, Western Australia, FPO San Francisco 96680
- N65491, (MAJ00018), J5P—Naval Hospital, (Subic Bay, Philippines), FPO San Francisco 96652-1600
- N65492, (MAJ00018), MCA—Commanding Officer, Naval Hospital, Fiscal & Supply Service, Code 32C, Orlando, FL 32813-5200
- N65497, 4U—Commissary Store Division, NAVRESSO, Field Support Office, 2801 "C" Street, SW, Auburn, WA 98001
- N65540, (MAJ00024), EHP-S—Naval Ship Systems Engineering Station, Philadelphia, PA 19112-5083
- N65575, (MAJ00018), MCY—Naval Medical Clinic, Seattle, WA 98115
- N65576—Navy Space Systems Activity, P.O. Box 92960, Worldway Postal Center, Los Angeles, CA 90009
- N65580, M2—Naval Electronic Systems Engineering Center, P.O. Box 55, Portsmouth, VA 23705
- N65584, EW, 3E—Naval Electronic Systems Engineering Center, P.O. Box 80337—Building #4, Code 104, San Diego, CA 92138
- N65849, (MAJ31699), HXY-Z—Office of Civilian Personnel Management, Southwest Region, San Diego, CA 92188
- N65870, M4—Supervisor of Shipbuilding, Conversion and Repair, USN, Long Beach Naval Shipyard, Long Beach, CA 90822
- N65886—Commanding Officer, Aviation Depot, Naval Air Station, Jacksonville, FL 32212
- N65888, ED—Aviation Depot, North Island, San Diego, CA 92135
- N65889—Commanding Officer, Aviation Depot, Naval Air Station, Code 56000, Pensacola, FL 32508
- N65912, GP—Commanding Officer, Naval Sea Support Center, Atlantic, St. Juliens Creek Annex, Portsmouth, VA 23702
- N65913, 7L—Naval Sea Support Center, Pacific, San Diego, CA 92138
- N65918, FT—Shore Intermediate Maintenance Activity, Naval Station, San Diego, CA 92136-5000
- N65926, (MAJ00039), NSA-B—Officer in Charge, Naval Underwater Systems Center Detachment, AUTEC, West Palm Beach Detachment, West Palm Beach, FL 33402
- N65928, N3—Naval Training Systems Center, Orlando, FL 32813
- N65980, (MAJ00039), NSL-NSN—Naval Electronic Systems Engineering Activity, St. Inigoies, MD 20684
- N65995, KM—Officer in Charge, Naval Support Activity, (Holy Loch, UK), FPO New York 09514
- N66001, 7N—Naval Ocean Systems Center, San Diego, CA 92152
- N66021, 7G—Commander Fleet Air, Western Pacific, (Atsugi, Japan), FPO Seattle, WA 98767
- N66022, (MAJ00018), MDW—Naval Dental Clinic, San Diego, CA
- N66032, LK—Navy Automatic Data Processing Selection Office, Building 218, Washington Navy Yard, Washington, DC 20374
- N66074, (MAJ00062), 8AU—Commanding Officer, Naval Reserve Officers Training Corps Unit, Prairie View A&M University Prairie View, TX 77445
- N66094, (MAJ00018), QAA-B—Naval Hospital, Cherry Point, NC 28533-5008
- N66095, (MAJ00018), J5E—Naval Hospital, NAS, Lemoore, CA 93246
- N66097, (MAJ00018), MDE—Naval Hospital, Oak Harbor, WA 98278-8800
- N66125, (MAJ00070), V5J—Naval Facility (Guam), FPO San Francisco 96630-2903
- N66231, (MAJ00072), 9TS—Naval Reserve Readiness Center, Bldg 2711, Naval Training Center, Great Lakes, IL 60088-5707
- N66398, (MAJ62980), ML6-7—Navy Motion Picture Service, Flushing & Washington Avenues, Brooklyn, NY 11251-8400
- N66458, (MAJ00065), SOC—Naval Oceanography Command, NAS, Brunswick, ME 04011-5000
- N66604, N4—Naval Underwater Systems Center, Newport, RI 02840
- N66612, (MAJ00062), L95—Commanding Officer, Naval Reserve Officers Training Corps Unit, The Citadel, Charleston, SC 29409-0770
- N66691, 4P—Commanding Officer, Naval Support Activity, Souda Bay, Crete, Greece, FPO New York 09528
- N66715, VJ—Commander, Navy Recruiting Command, Washington, DC 22203-1191
- N66753, (MAJ00062), ROG—Commanding Officer, Naval Reserve Officers Training Corps Unit, Jacksonville University, Jacksonville, FL 32211
- N66754, (MAJ00069), 8QL—Commanding Officer, Naval Security Group Activity, (Sabana Seca, PR), FPO Miami 34053
- N66809, (MAJ00062), ROV—Commanding Officer, Naval Reserve Officers Training Corps Unit, Savannah State College, Savannah, GA 31404
- N66810, (MAJ00062), L9H—Commanding Officer, Naval Reserve Officers Training Corps Unit, Southern University and A&M College, Baton Rouge, LA 70813
- N66818, JX—Commanding Officer, Naval Medical Command Mid-



- Atlantic Region, Norfolk, VA 23508-1297
- N66833, (MAJ00060), LHL—Commanding Officer, U.S. Naval Station Panama (Rodman, Canal Zone), FPO Miami 34061-1000
- N66863, (MAJ00018), MCU-X—Commanding Officer, Naval Biodynamics Laboratory, 13800 Old Gentilly Road, Michoud Assembly Facility, New Orleans, LA 70189
- N66890, LJ—Naval Station, Mare Island, Supply and Fiscal Code 90, Bldg 851, Vallejo, CA 94592
- N66898—Commanding Officer, Naval Medical Clinic, New Orleans, LA 70142
- N66957—Director, Navy Publications and Printing Service Det Branch Southeast Division, Bldg. 2049, NTC, Orlando, FL 32813
- N66959—Director, Navy Publications and Printing Service Det, Office Southeast Division, P.O. Box 3, NAS, Jacksonville, FL 32212
- N66965 (MAJ00023) 4JQ—Navy Publishing and Printing Service Det, Office, Western Area, Point Mugu, CA 93042-5027
- N66972—Commanding Officer, Navy Recruiting District, 5901 S.W. 74th Street, Miami, FL 33143
- N67596—Commanding Officer, Navy Recruiting District, 102 W Rector Street, San Antonio, TX 78216
- N68011—Commanding Officer, Navy Recruiting District, 8 North Third Street, Sterick Bldg., Memphis, TN 38103
- N68047 (MAJ00070), 4LO—Navy Office, Singapore, FPO San Francisco, CA 96699-2100
- N68056, JE—Naval Medical Command, Southwest Region, San Diego, CA 92134
- N68057, VZ—Commanding Officer, Naval Regional Data Automation Center Norfolk, Code 212, Norfolk, VA 23511
- N68064 (MAJ00062), ROD—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Florida, Van Fleet Hall, Room 26, Gainesville, FL 32601
- N68072 (MAJ00062), L9V—Commanding Officer, Naval Reserve Officers Training Corps Unit, Texas A&M University, College Station, TX 77843
- N68084 (MAJ00018), MDJ-M—Commanding Officer (Code 206), Naval Hospital, Charleston, SC 29408-6900
- N68086, 7S—Naval Hospital, Newport, RI 02841
- N68090 (MAJ00018) MDO-9—Naval Hospital Long Beach, CA 90822-5199
- N68092—Naval Medical Command, Northeast Region, Great Lakes, IL 60088
- N68093 (MAJ00018), MCG-H—Naval Hospital, Camp Lejeune, NC 28542-5008
- N68094, V9—Naval Hospital, Camp Pendleton, CA 92055-5008
- N68095, JF—Naval Hospital, Boone Road, Bremerton, WA 98312-1898
- N68096 (MAJ00018), J50—Commanding Officer, Naval Hospital (Guam), FPO San Francisco 96630-1600
- N68097—Naval Medical Command, Northwest Region, Oakland, CA 94627
- N68101 (MAJ00018), MDT-V—Naval Hospital, 17th Street and Pattison Avenue, Philadelphia, PA 19145-5199
- N68139 (MAJ00062), 8AZ—Commanding Officer, Naval Reserve Officers Training Corps Unit, Florida A&M University, Tallahassee, FL 32307
- N68141 (MAJ00062), L9P—Commanding Officer, Naval Reserve Officers Training Corps Unit, Maine Maritime Academy, Castine, ME 04421-0902
- N68166 (MAJ00015), LO1-2—Naval Technical Intelligence Support Center, 4301 Suitland Road, Washington, DC 20390
- N68171, M3—Commanding Officer, Naval Regional Contracting Center, (Naples, Italy), FPO New York 09521
- N68175 (MAJ62980), MQA—Navy Recruiting District New Jersey, Parkway Towers, Bldg A, 485 US Route 1, So., Iselin, NJ 08830-3012
- N68199—Commanding Officer, Navy Office of Information, Southeast, 1459 Peachtree Street, NE-Suite 300, Atlanta, GA 30309
- N68200, VM—Director, Navy Office of Information, Southwest, 1114 Commerce Street, Suite 811, Dallas, TX 75242
- N68221, 7J—Commanding Officer, Naval Personnel Research and Development Center, San Diego, CA 92152
- N68248, V6—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Naval Submarine Base, Kings Bay, GA 31547
- R68251, (MAJ00070), LPC—Shore Intermediate Maintenance Activity, Pearl Harbor, Box 141, Pearl Harbor, HI 96860
- N68292, (MAJ00018), J5A—Naval Hospital (Yokosuka, Japan), FPO Seattle 98765-1615
- N68297, ET—Naval Magazine, Lualualei, Oahu HI 96792-4301
- N68303, (MAJ00062), ROC—Commanding Officer, Naval Reserve Officers Training Corps Unit, State University of New York, Maritime College, Fort Schuyler, Bronx, NY 10465-4198
- N68306, (MAJ00072), 9TF—Commander, Naval Reserve Readiness Command, Region Six, WNY Bldg 200, Washington, DC 20374-2003
- N68307—Commander, Code 431, Naval Reserve Readiness Command Region Ten, New Orleans, LA 70142
- N68308, (MAJ00072), 9TQ—Naval Reserve Readiness Command, Region 20, Bldg 1, NAVSTA Treasure Island, San Francisco, CA 94130-5032
- N68311, JL—Naval Station, Long Beach, CA 90822
- N68322, 7Z—Naval Education & Training Program Management Support Activity, Code SU1, Saufley Field, Pensacola, FL 32509
- N68323, (MAJ00011), LBC—Naval Legal Service Office, 200 Stovall Street, Alexandria, VA 22332-2400
- N68328, (MAJ00072), 9TJ—Naval Reserve Readiness Command, Region 22, Bldg 9, Naval Station, Seattle, WA 98115-5009
- N68330, (MAJ00072), 9TN—Naval Reserve Readiness Command, Region 13, Bldg 1, Code 712, NTC, Great Lakes, IL 60088-5026
- N68331, (MAJ00072), LCE-F—Naval Reserve Readiness Command Region, Bldg. 662 Naval Base, Philadelphia, PA 19112
- N68332, (MAJ00072), 9TO-1—Commander, Naval Reserve Readiness Command, Region 18, 301 Navy Drive, Industrial Airport, KS 66031-0031
- N68335, 4Y—Commanding Officer, Naval Air Engineering Center, Supply Dept., Purchase Division, Lakehurst, NJ 08733
- N68348, (MAJ00072), 9TG—Commander, Naval Reserve Readiness Command, Region Nine, NAS Memphis (76), Bldg E-35, Millington, TN 38054
- N68349—Commander, Naval Reserve Readiness Command, Region 16, Bldg. 715, Minneapolis-St. Paul IAP, Minneapolis, MN 55450-2996
- N68355, (MAJ00062), R0J—Commanding Officer, Naval Reserve Officers Training Corps Unit, Virginia Military Institute, Lexington, VA 24450-2697
- N68356, (MAJ00072), 9TD—Commander, Naval Reserve Readiness Command, Region Seven, Naval Base, Charleston, SC 29408
- N68357, (MAJ00072), 9TL—Commander, Naval Reserve Readiness Command, Region Two, Scotia, NY 12302-9465
- N68358, (MAJ00072), 9TA—Commander, Naval Reserve Readiness Command, Region Eight, Naval Air Station, Jacksonville, FL 32212
- N68359—Commander, Naval Reserve Readiness Command, Region Eleven, Bldg 11, Naval Air Station, Dallas, TX 75211
- N68378, KQ—Navy Public Works Center, San Francisco Bay, Oakland, CA 94623



- N68391, (MAJ62980), MLB—Navy Recruiting District, Harrisburg, 310 North Second Street, Harrisburg, PA 17101-1304
- N68401, (MAJ62980), MLJ—Navy Recruiting District, San Diego, Naval Training Center, Bldg 335, San Diego, CA 92133-6800
- N68402, (MAJ31699), V8E—Navy Office of Information, New England Branch, 408 Atlantic Avenue, Boston, MA 02210-2203
- N68409 (MAJ00018), MDC—Naval Dental Clinic, San Francisco, CA 94130-5030
- N68436, KC, J6—Naval Submarine Base, Bangor, Code 863, Bremerton, WA 98315
- N68441—Commanding Officer, Naval Dental Clinic, Naval Air Station, Pensacola, FL 32508
- N68443, 7T—Commanding Officer, Naval Dental Clinic, Bremerton, WA 98314
- N68451, MF—Navy Regional Data Automation Center San Francisco, Naval Air Station, Alameda, CA 94501
- N68470, (MAJ00018), J5J—M—Naval Hospital, (Okinawa, Japan), FPO Seattle 98778-1610
- N68497—Commanding Officer, Code 40, Naval Administrative Command, Naval Training Center, Orlando, FL 32813
- N68499, LX—Director, Naval Council of Personnel Boards, Ballston Center Tower #2, 801 North Randolph Street, Arlington, VA 22203-1989
- N68518—Commanding Officer, Naval Reserve Support Office, Internal Supply, Code S43, 4400 Dauphine Street, New Orleans, LA 70146
- N68520, 7P—Aviation Depot Operations Center, Naval Air Station, Patuxent River, MD 20670
- N68527 (MAJ00072), 9TT—Naval & MC Reserve Readiness Center, Armed Forces Reserve Center, Floyd Bennett Field, Brooklyn, NY 11234-7097
- N68546, QG—Navy Environmental Health Center, Naval Station, Norfolk, VA 23511
- N68547 (MAJ00060), LHQ—Personnel Support Activity, Norfolk, VA 23511-5115
- N68561 (MAJ00039), NSE—Navy Management Systems Support Office, Norfolk, VA 23511-6694
- N68593 (MAJ00060), LHE—Naval Ocean Processing Facility, Dam Neck, VA 23461-5450
- N68608 (MAJ00011), LBP—Y—Navy Regional Data Automation Center, 4400 Dauphine Street, New Orleans, LA 70145-7700
- N68610, GF—Officer in Charge, Fleet Hospital Support Office, 620 Central Ave., Bldg #5, Alameda, CA 94501-3874
- N68646 (MAJ00024), EHJ—K—Naval Sea Systems Command, Automated Data Systems Activity, P.O. Box 100, Indian Head, MD 20640-0100
- N68691, JW—Naval Plant Representative Office, (Melbourne, Australia), APO San Francisco 96405
- N68692 (MAJ00062), 8AX—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of San Diego/San Diego State University, Alcalá Park, San Diego, CA 92110-2496
- N68695 (MAJ00060), LHG—Shore Intermediate Maintenance Activity, Naval Reserve Maintenance Facility, Bldg 133, Naval Base, Philadelphia, PA 19112-5066
- N68699 (MAJ00062), 8AP—Commanding Officer, Naval Reserve Officers Training Corps Unit, Hampton Roads, 5215 Hampton Blvd., Norfolk, VA 23508-8556
- N68707 (MAJ00072), 9TU—Naval Reserve Maintenance Training Facility, Puget Sound, Tacoma, WA
- N68709 (MAJ00060), JOC—Naval Air Station Mayport, Mayport, FL 32228
- N68710, (MAJ00062), L9K—Commanding Officer, Naval Reserve Officers Training Corps Unit, Virginia Polytechnic Institute and State University, Blacksburg, VA 24061-2306
- N68717 (MAJ00062), L9L—Commanding Officer, Naval Reserve Officers Training Corps Unit, Boston University, 116 Bay State Road, Boston, MA 02215
- N68725 (MAJ00062), R0Q—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Arizona, Tucson, AZ 85721
- N68726 (MAJ00062), R0T—Commanding Officer, Naval Reserve Officers Training Corps Unit, The George Washington University, Washington, DC 20052
- N68727 (MAJ00062), 8AF—Commanding Officer, Naval Reserve Officers Training Corps Unit, Memphis State University, Memphis, TN 38152-0001
- N68728 (MAJ00062), 8AQ—Commanding Officer, Naval Reserve Officers Training Corps Unit, Norwich University, Northfield, VT 05663-1097
- N68733 (MAJ00030), EKC—Strategic Weapons Facility, Atlantic, Kings Bay, GA 31547-6600
- N68742 (MAJ00070), LPA—Naval Base, Seattle, WA 98115-5012
- N68790—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Diego Garcia, FPO San Francisco 96685
- N68829 (MAJ00060), J0J—Shore Intermediate Maintenance Activity (NRMF), Pier 2, Bldg. 68 NETC, Newport, RI 02841-5001
- N68831 (MAJ00070), LPG—Shore Intermediate Maintenance Activity, San Francisco, Bldg. 162, NAS, Alameda, CA 94501-5065
- N68836, J9—Commanding Officer, Naval Supply Center, Jacksonville, FL 32212
- N68857 (MAJ00062), 8AC—Commanding Officer, Naval Reserve Officers Training Corps Unit, Texas Tech University, Lubbock, TX 79409-4559
- N68860, KR—Naval Supply Center—Pensacola, Pensacola, FL 32508-6200
- N68863, LU—Naval Commercial Communications Office, 4401 Massachusetts Avenue NW., Washington, DC 20390-5290
- N68877 (MAJ00062), R0Y—Commanding Officer, Naval Reserve Officers Training Corps Unit, Carnegie Mellon University, Pittsburgh, PA 15213
- N68881 (MAJ00062), L9E—Commanding Officer, Naval Reserve Officers Training Corps Unit, Morehouse College, Atlanta, GA 30314
- N70092 (MAJ00069), 8QJ—K—Naval Security Station, 3801 Nebraska Avenue NW., Washington, DC 20390-8230
- N70240, M6—Commanding Officer, Naval Communication Station, San Diego, 937 N. Harbor Drive, San Diego, CA 92132
- N70272, 8G, ND—Naval Communication Area, Master Station Atlantic, Norfolk, VA 23511-6898
- N70273, V3—Naval Radio Station, Jim Creek, Oso, WA 98223
- N70278, V4—Naval Communication Station (Yokosuka, Japan), Box 3, FPO Seattle 98762
- N70283 (MAJ00069), 8QE—Commanding Officer, Code 30, Naval Security Group Activity (Galea Island, Canal Zone), FPO Miami 34060-9998
- N70294, 8H—U.S. Naval Communication Area, Master Station MED (Naples, Italy), FPO New York 09524
- N70295, 8J—U.S. Naval Communication Station (Nea Makri, Greece), FPO New York 09525
- N70310, N2—Naval Radio Station R, Sugar Grove, WV 26815
- M00027, MS\*, MSO-9—Headquarters, U.S. Marine Corps, Washington, DC 20380
- M00146, MT—Marine Corps Air Station, Cherry Point, NC 28533
- M00243, NE—Marine Corps Recruit Depot, San Diego, CA 92140
- M00263, MX—Marine Corps Recruit Depot, Parris Island, SC 29905
- M00264, MY—Marine Corps Development and Education Command, Quantico, VA 22134
- M00318—Marine Corps Air Station, (Kaneohe Bay, Oahu, HI), FPO San Francisco, CA 96628



- M00681, NG—Marine Corps Base, Camp Pendleton, Oceanside, CA 92054  
 M60050, MV—Marine Corps Air Station, El Toro (Santa Ana), CA 92709  
 M62204, MW—Marine Corps Logistics Base, Barstow, CA 92311  
 M62974, NA—Marine Corps Air Station, Yuma, AZ 85364  
 M67001, NB—Marine Corps Base, Camp Lejeune, NC 28542  
 M67004, NC—Marine Corps Logistics Base, Albany, CA 31704  
 M67011, (MAJ00027)—Director, 1st Marine Corps District, Garden City, Long Island, NY 11530, MSA  
 M67013, (MAJ00027), MSC—Director, 4th Marine Corps District, Philadelphia, PA 19112-5072  
 M67015, (MAJ00027), MSE—Director, 6th Marine Corps District, Atlanta, GA 30303  
 M67016, (MAJ00027), MSG—Director, 8th Marine Corps District, New Orleans, LA 70113  
 M67017, (MAJ00027), MSJ—Director, 9th Marine Corps District, Shawnee Mission, KA 66204  
 M67019, (MAJ00027), MSL—Director, 12th Marine Corps District, San Francisco, CA 94130  
 M67021, (MAJ00027), MUC—Marine Aircraft Wing 4, New Orleans, 4400 Dauphine Street, New Orleans, LA 70146-9125  
 M67025—Headquarters, Fleet Marine Force, Pacific, Oahu, FPO San Francisco 96610  
 M67029, (MAJ00027), MSN—Marine Barracks, Washington, DC 20003  
 M67030, (MAJ00027), MUP—Marine Corps Security Force Battalion Pacific, NAVSTA Mare Island, Vallejo, CA 94592-5022  
 M67290, (MAJ00027), MSY—Marine Aviation Training Support Group-90, NATTC, NAS Memphis, Millington, TN 38054-5123  
 M67351—Marine Detachment, London, APO New York 09510  
 M67353, (MAJ00027), MSQ—Headquarters Battalion, Marine Corps, Henderson Hall, Arlington, VA 22214  
 M67354—Post Supply Officer, Headquarters Marine Corps, Navy Annex, Arlington, VA 20380  
 M67385, (MAJ00027), MU0-1—Camp H. M. Smith, U.S. Marine Corps, Halawa Heights, Oahu, Hawaii 96861  
 M67391, KY—Marine Corps Camp Det., (Camp Elmore), Norfolk, VA 23511  
 M67399, NF—Marine Corps Air-Ground Combat Center, Twentynine Palms, CA 92278  
 M67400, (MAJ00027), QJ, MUA—Marine Corps Procurement Office, Okinawa, Marine Corps Base, Camp Smedley D. Butler, (Ryuku Island, Southern), FPO Seattle, WA 98773  
 M67428, JA—Marine Corps Air Bases Western Area, MCAS El Toro, Santa Ana, CA 92709  
 M67443, LG—Marine Corps Finance Center, Kansas City, MO 64197  
 M67842, K6—East Coast Commissary Complex, Marine Corps Base, Camp Lejeune, NC 28542  
 M67853, (MAJ00027), MUR—Marine Corps Security Force Battalion Atlantic, Naval Base, Norfolk, VA 23511-5697  
 M67854, (MAJ00027), MU6-9—Marine Corps Research, Development and Acquisition Command, Washington, DC  
 M68479, (MAJ00027), MSU—4th Marine Division (Rein), FMF, USMCR, 4400 Dauphine Street, New Orleans, LA 70146-5400  
 M68522, (MAJ00027), MSW—Marine Corps Reserve Support Center, Purchasing Department, 16950 El Monte, Overland Park, KS 66211-1408
- Department of the Air Force*  
 (C) Denotes a Central Contracting Activity.
- F01600, 5A, F01620, 6K—3800 ABW/LGC, Maxwell AFB, AL 36112-5320, HQ SSC/PK, Gunter AFS, AL 36114-6343  
 F02600, 5B—82 FTW/LGC, Williams AFB, AZ 85240-5004  
 F02601, 5C—836 AD/LGC, Davis-Monthan AFB, AZ 85707-5320  
 F02604, 5D—832 AD/LGC, Luke AFB, AZ 85309-5320  
 F02610, SR—AFPRO, Hughes Missile Systems Group, P.O. Box 11337, Emery Park Station, Tucson, AZ 85734-1337  
 F03601, 5E—97 BMW/LGC, Eaker AFB, AR 72317-5320  
 F03602, 5F—314 TAW/LGC, Little Rock AFB, AR 72076-5320  
 F04604, 5G—93 BMW/LGC, Castle AFB, CA 95342-5320  
 F04605, 5H—22 AREFW/LGC, March AFB, CA 92518-5320  
 F04606, SM—SM-ALC/PM, Sacramento Air Logistics Center, McClellan AFB, CA 95652-5320  
 F04607, 5J—63 MAW/LGC, Norton AFB, CA 92409-5320  
 F04609, 5K—831 AD/LGC, George AFB, CA 92394-5320  
 F04611, QQ—AFFTC/PK (C), Edwards AFB, CA 93523-5320  
 F04612, 5L—323 FTW/LGC, Mather AFB, CA 95655-5320  
 F04620, S6—AFPRO, TRW Electronics & Defense Sector, One Space Park, Redondo Beach, CA 90278-1078  
 F04626, 5M—60 MAW/LGC, Travis AFB, CA 94535-5320  
 F04630, RY—AFPRO, RI Rocketdyne Division, 6633 Canoga Avenue, Canoga Park, CA 91303-2790  
 F04666, 5N—9 SRW/LGC, Beale AFB, CA 95003-5320  
 F04679, QR—AFPRO, Northrop Corp, One Northrup Avenue, Hawthorne, CA 90250-3296  
 F04681, QS—AFPRO, RI Corp, Los Angeles Division, P.O. Box 92098, Los Angeles, CA 90009-2098  
 F04682, QT—AFPRO, Hughes Aircraft Company, P.O. Box 92463, Los Angeles, CA 90009-2463  
 F04684, QW—4392 AEROSW/LGC, Vandenberg AFB, CA 93437-5320  
 F04688, QV—AFPRO, Aerojet-General Corp, P.O. Box 15846, Sacramento, CA 95852-1846  
 F04689, RN—2nd Satellite Tracking Group/LKD, Onizuka Air Force Base, P.O. Box 3430, Sunnyvale, CA 94088-3430  
 F04690—CSTC/PM, P.O. Box 3430, Sunnyvale, CA 94088-3430  
 F04691, QX—AFPRO, Lockheed Missile & Space Corp., 1111 Lockheed Way, P.O. Box 3504, Sunnyvale, CA 94088-3504  
 F04693, MG—SSD/PMB, Base Contracts, P.O. Box 92960, Worldway Postal Center, Los Angeles, CA 90009-9260  
 F04696, RB—AFPRO, RI Anaheim, 3370 Miraloma Ave., Anaheim, CA 92803-3110  
 F04699, Q5—SM-ALC/PMK, Base Contracts, McClellan AFB, CA 95652-5320  
 F04700, Q2—AFFTC/PKB, Base Contracts, Edwards AFB, CA 93523-5000  
 F04701, TB—SSD/PM (C), Space Systems Division, P.O. Box 92960, Worldway Postal Center, Los Angeles, CA 90009-9260  
 F04702—HQ AAVS/LGC, Norton AFB, CA 92409-5439  
 F04703, R8—WSMC/PM (C), Western Space and Missile Center, Vandenberg AFB, CA 93437-6021  
 F04704, R9—BSD/PK (C), Ballistic Systems Division, Norton AFB, CA 92409-6463  
 F04705, RT—Det 6, 2762 Logistics Sq. (AFLC), Norton AFB, CA 92409  
 F04709, S5—Det 42, SM-ALC, Norton AFB, CA 92409-6447  
 F04710, TC—AFPRO, Douglas Aircraft Company, 3855 Lakewood Boulevard, Long Beach, CA 90846-0001  
 F04720, RD—AFPRO RI NAAO, OL-AA, 2825 East Avenue P, Palmdale, CA 93550-0319  
 F05600, 5P—LTTC/LGC, Lowry AFB, CO 80230-5320  
 F05603—HQ Air Force Space Command/PKD, Director of Systems Contracting, Stop 7, Peterson AFB, CO 80914-5001



- F05604, SX—3d Space Support Wing/  
PKB, Stop 20, Peterson AFB, CO  
80914-5000
- F05611, 5Q—USAFA/LGC, USAF  
Academy, CO 80940-0189
- F05617, RE—AFPRO, Martin Marietta  
Denver Aerospace, P.O. Box 179,  
Denver, CO 80201-0179
- F06700, T5—AFPRO, Pratt & Whitney,  
400 Main Street, East Hartford, CT  
06108-0969
- F07603, 5R—436 MAW/LGC, Dover  
AFB, DE 19902-5320
- F08602, 5S—56 TFW/LGC, MacDill AFB,  
FL 33608-5320
- F08606, RG—ESMC/PM (C), Eastern  
Space & Missile Center, Patrick AFB,  
FL 32925-5472
- F08620, 5T—1 SOW/LGC, Hurlburt  
Field, FL 32544-5320
- F08621, 5U—31 TFW/LGC, Homestead  
AFB, FL 33039-5320
- F08626, QU—ASD/PK-1, Aeronautical  
Systems Division Eglin AFB, FL  
32542-5000
- F08630, S1—ASD/PKRL, Eglin AFB, FL  
32542-5000
- F08635, RH—AFDTC/PK (C), Air Force  
Development Test Center, Eglin AFB,  
FL 32542-5000
- F08637, 5V—HQ USAF ADWC/LGC,  
Tyndall AFB, FL 32403-5320
- F08650, TJ—ESMC/PMK, Base  
Contracts, Patrick AFB, FL 32925-5472
- F08651, Q3—AFDTC/PKO, Operational  
Contracting, Eglin AFB, FL 32542-5320
- F08675, T2—AFPRO, Pratt & Whitney  
Aircraft, P.O. Box 109600, West Palm  
Beach, FL 33412-9600
- F09603, RJ—WR—ALC/PM, Warner  
Robins Air Logistics Center Robins  
AFB, GA 31098-5320
- F09604, RU—Det 8, 2762 Logistics Sq  
(AFLC), Robins AFB, GA 31098
- F09607, 5W—347 TFW/LGC, Moody  
AFB, GA 31699-5320
- F09609, 5X—94 CSG/LGC, Dobbins AFB,  
GA 30069-5320
- F09632, RK—AFPRO, Lockheed-GA Co.,  
Marietta, GA 30063-0001
- F09634, 5Y—HQ AFRES/LGC, Robins  
AFB, GA 31098-6001
- F09650, Q6—WR—ALC/PMK, Base  
Contracts, Robins AFB, GA 31098-  
5320
- F10603, 5Z—366 TFW/LGC, Mountain  
Home AFB, ID 83648-5320
- F11602, 6A—CTTC/LGC, Chanute AFB,  
IL 61868-5320
- F11603, 6B—928 TAG/LGC, Chicago  
O'Hare ARFF IL 60666-5000
- F11623, 6C—375 AAW/LGC, Scott AFB,  
IL 62225-5320
- F11624, X4—2026 CS/PGZ, Scott AFB, IL  
62225-6001
- F11626, RL—HQ MAC/TRC, Scott AFB,  
IL 62225-5001
- F12617, 6D—05 AREFW/LGC, Griessom  
AFB, IN 46971-5320
- F14614, 6E—384 BMW/LGC, McConnell  
AFB, KS 67221-5320
- F14615, RP—AFPRO, Boeing Military  
Airplane Company, 3801 South Oliver  
Street, Wichita, KS 67277-7730
- F16600, 6F—23 TFW/LGC, England AFB,  
LA 71311-5320
- F16602, 6G—2 BMW/LGC, Barksdale  
AFB, LA 71110-5320
- F17600, 6H—42 BMW/LGC, Loring AFB,  
ME 0475-5320
- F17608—101 AREFW/LGC, Bangor  
International Airport, ME 04401-5320
- F18400, S2—AFPRO, Westinghouse  
Defense and Electronics Systems  
Center, P.O. Box 1693, Baltimore, MD  
21203-1693
- F18600, RQ—HQ AFSC/PK (C),  
Andrews, AFB, DC 20334-5000
- F19617, X0—439 CSG/LGC, Westover  
AFB, MA 01022-5320
- F19620, SQ—AFPRO, Textron Defense  
Systems, 201 Lowell Street,  
Wilmington, MA 01887-2941
- F19628, RS—ESD/PK (C), Electronic  
Systems Division, Hanscom AFB, MA  
01731-5000
- F19630, RV—AFCAC/PK (C), Hanscom  
AFB, MA 01731-6340
- F19650, SH—ESD/PKU, Base Contracts,  
Hanscom AFB, MA 01731-5320
- F20603, 6J—379 BMW/LGC, Wurtsmith  
AFB, MI 48753-5320
- F20613, 6L—410 BMW/LGC, K.I. Sawyer  
AFB, MI 49843-5320
- F21611, 6N—934 TAG/LGC,  
Minneapolis-St. Paul IAP, MN 55450-  
5000
- F22600, RC—KTTC/LGC, Keesler AFB,  
MS 39534-5000
- F22608, 6Q—4 FTW/LGC, Columbus  
AFB, MS 39701-5000
- F23606, 6R—351 SMW/LGC, Whiteman  
AFB, MO 65305-5320
- F23608, 6S—442 CSG/LGC, Richards-  
Gebaur AFB, MO 64030-5000
- F24804, 6T—341 SMW/LGC, Malmstrom  
AFB, MT 59402-5320
- F25600, 6U—55 SRW/LGC, Offutt AFB,  
NE 68113-5320
- F25606, TD—3908 CONS/LGC, Offutt  
AFB, NE 68113-5000
- F26600, S4—554 OSW/LGC, Nellis AFB,  
NV 89191-5320
- F26606, 6M—37 Tactical Fighter Wing/  
LGC, Nellis AFB, NV 89191-5320
- F27604, R5—509 BMW/LGC, Pease AFB,  
NH 03803-5320
- F28609, 6V—438 MAW/LGC, McGuire  
AFB, NJ 08641-5320
- F28620, S8—OL—A, 1605 MASW/LGC,  
McGuire AFB, NJ 08641-5000
- F29601, RW—Air Force Space  
Technology Center (AFSC)/PKR,  
Kirtland AFB, NM 87117-5320
- F29605, 6W—27 TFW/LGC, Cannon  
AFB, NM 88103-5320
- F29650, R3—Air Force Space  
Technology Center (AFSC)/PKB,  
Kirtland AFB, NM 87117-5320
- F29651, 6X—833 AD/LDC, Holloman  
AFB, NM 88330-5320
- F30602, RX—RADCPK (C), Rome Air  
Development Center, Griffiss AFB, NY  
13441-5700
- F30617, 6Y—914 TAG/LGC, Niagara  
Falls IAP, NY 14304-5320
- F30625, ST—AFPRO, Eaton AIL, Eaton  
Corporation, AIL Div., Commack  
Road, Deer Park, Long Island, NY  
11729-9998
- F30635, S3—416 BMW/LGC, Griffiss  
AFB, NY 13441-5320
- F30636, 6Z—380 BMW/LGC, Plattsburgh  
AFB, NY 12903-5320
- F31601, BU—317 TAW/LGC, Pope AFB,  
NC 28308-5320
- F31610, BW—4 TFW/LGC, Seymour  
Johnson AFB, NC 27531-5320
- F32604, BX—57 AD/LDG, Minot AFB,  
ND 58705-5320
- F32605, BY—321 SMW/LGC, Grand  
Forks AFB, ND 58205-5320
- F33600, RZ—WPCC/PMR, PMS, PMT &  
PPMY, Wright-Patterson AFB, OH  
45433-5320
- F33601, Q7—WPCC/PMK, Base  
Contracts, Wright-Patterson AFB, OH  
45433-5320
- F33615, SG—ASD/PMR, Directorate of  
R&D Contracting, Wright Patterson  
AFB, OH 45423-6503
- F33620, SN—AFPRO RI NAAO, OL—AB,  
Rockwell International, P.O. Box 1259,  
Columbus, OH 43216-1259
- F33630, C1—910 TAG/LGC, Youngstown  
MAP, OH 44473-0910
- F33654, SB—AFPRO, General Electric  
Company, Cincinnati, OH 45215-6303
- F33657, SC—ASD/PM (C), Aeronautical  
Systems Division, Wright-Patterson  
AFB, OH 45433-6503
- F33659, Q8—2803 ABG/PM, Newark  
AFS, OH 43055-5320
- F33660, TA—2083, ABG/PM6, Newark  
AFB, OH 43057-5320
- F33661—Air force Contract Maintenance  
Center (AFCMC), Wright-Patterson  
AFB, OH 45433-5000
- F33661, S1—AFCMC/CM, Wright-  
Patterson AFB, OH 45433-5000
- F33661, MJ—Det 33, AF Contr. Maint.  
Center, APO New York 09667-6207
- F33661, SS—Det 16 AFCMC, APO New  
York 09633-5000
- F33661, S8—AFLC Logistics Support  
Group—Saudi Arabia, AFCMC  
Contract Management Division, APO  
New York 09238-5002
- F33661, SV—Det 17 AFCMC, APO New  
York 09378-5000
- F33661, R1—Det 28 AFCMC, APO SF  
96214-0006
- F33661, SU—Det 19 AFCMC, APO New  
York 09285-0001
- F33661, YE—Det 32 AFCMC, APO New  
York 09672-0008



- F33661, TQ—Det 34 AFCMC, APO New York 09254-5365
- F33661, VF—Det 36 AFCMC, APO New York 09240-5000
- F33733, J8—HQ AFSC/PLMM, Wright-Patterson AFB, OH 45433-6503
- F34600, C2—71 FTW/LGC, Vance AFB, OK 73705-5000
- F34601, SD, TA, TG—OC-ALC/PM, Oklahoma City Air Logistics Center, Tinker AFB, OK 73145-5320
- F34608, TF—HQ EID/PK, Tinker AFB, OK 73145-6343
- F34612, C3—443 MAW/LGC, Altus AFB, OK 73523-5320
- F34650, Q9—OC-ALC-PMK, Base Contracts, Tinker AFB, OK 73145-5320
- F35610, C4—114 TSTS/LGC, Kingsley Field, Klamath Falls, OR 97601
- F36629, C7—911, TAG/LGC, Greater Pittsburgh IAP, PA 15231-5320
- F36700, C8—913 TAG/LGC, Willow Grove ARF, PA 19090-5130
- F36701, SF—AFPRO, GE Re-Entry Div, P.O. Box 8555, Philadelphia, PA 19101-8555
- F38601, C9—363 TFW/LGC, Shaw AFB, SC 29152-5320
- F38604, T3—HQ USCENAF/LGC, Shaw AFB, SC 29152-5002
- F38606, CA—354 TFW/LGC, Myrtle Beach AFB, SC 29579-5320
- F38610, CR—437 MAW/LGC, Charleston AFB, SC 29404-5320
- F39601, CT—44 SMW/LGC, Ellsworth AFB, SD 57706-5320
- F40600, Q4—AEDC/PK (C), Arnold Engineering Development Center, Arnold AFB, TN 37389-5000
- F40650, D1—AEDC/PKP, Base Contracts, Arnold AFB, TN 37389-5000
- F41608, SA, QU—SA-ALC/PM, San Antonio Air Logistics Center, Kelly AFB, TX 78241-5320
- F41612, D4—STTC/LGC, Sheppard AFB, TX 76311-5000
- F41613, D5—7 BMW/LGC, Carswell AFB, TX 76127-5320
- F41614, E2—GTTC/LGC, Goodfellow AFB, TX 76908-5000
- F41620, E3—64 FTW/LGC, Reese AFB, TX 79489-5000
- F41621, SJ—HQ ESC/LEC, San Antonio, TX 78243-5000
- F41622, QY—HSDPKO, Brooks AFB, TX 78235-5320
- F41624—HSD/PK(C), Brooks AFB, TX 78235-5320
- F41636, ZV—3700 Contracting Squadron, Lackland AFB, TX 78236-5000
- F41640—HQ AFCEMS/DOC, Kelly AFB, TX 78241-6290
- F41650, YA—SA-ALC/PMK, Base Contracts, Kelly AFB, TX 78241-5320
- F41652, E5—96 BMW/LGC, Dyess AFB, TX 79607-5320
- F41685, E6—47 FTW/LGC, Laughlin AFB, TX 78840-5000
- F41687, E9—67 TRW/LGC, Bergstrom AFB, TX 78743-5320
- F41689, SK—3303 CS, Randolph AFB, TX 78150-5001
- F41691, YO—12 CONS/LGC, Randolph AFB, TX 78150-5000
- F41695, SL, TH—AFPRO, General Dynamics, P.O. Box 371, Fort Worth, TX 76101-0371
- F41800, T9—San Antonio Contracting Center, Ft. Sam Houston AIN, P.O. Box 8218, San Antonio, TX 78208-8218
- F41853, WP—AFPROLTV, LTV Aerospace and Defense Co, P.O. Box 655907, Dallas, TX 75265-5907
- F41999—AFNAF Purchasing Office, HQ AFMPC/DPMSK, 9504 IH 35 North, Rm 330, San Antonio, TX 78233
- F42600, QP, SY—OO-ALC/PM, Ogden Air Logistics Center, Hill AFB, UT 84056-5320
- F42610, TE—OO-ALC/PM, ICBM Directorate Contracting, Ogden Air Logistics Center, Hill AFB, UT 84056-5320
- F42620, TG—OO-ALC/PM, Aircraft Directorate Contracting, Ogden Air Logistics Center, Hill AFB, UT 84056-5320
- F42630, XP—OO-ALC/PM, Commodities Directorate Contracting, Ogden Air Logistics Center, Hill AFB, UT 84056-5320
- F42650, R2—OO-ALC/PMK, Base Contracts, Hill AFB, UT 84056-5320
- F42651, R6—AFPRO, Morton Thiokol Corp, P.O. Box 524/MS Z-10, Brigham City, UT 84302-0524
- F44600, F3—1 TFW/LGC, Langley AFB, VA 23665-5320
- F44650, Q1—4400 CONS/LGCN (C), Langley AFB, VA 23665-5000
- F45603, F5—62 MAW/LGC, McChord AFB, WA 98438-5320
- F45613, F8—92 BMW/LGC, Fairchild AFB, WA 99011-5320
- F45632, SP—AFPRO, The Boeing Company, P.O. Box 3707, Seattle, WA 98124-3707
- F47606, G7—440 TAW/LGC, Gen. Billy Mitchell Field, 00 College Ave., Milwaukee, WI 53207-5000
- F48608, G9—90 SMW/LGC, F.E. Warren AFB, WY 82001-5320
- F49620—AFOSR/PK (C), Bolling AFB, DC 20332-6448
- F49642, J1—1100 CNS/CN (AFDW), Operational Contracting, Andrews AFB, DC 20331-5320
- F49650, X0—1100 CNS/SP (AFDW), Specialized Contracting, Andrews AFB, DC 20331-5320
- F61040, M1—1605 MASW/LGC, APO New York 09406-5320
- F61051—USDAO, American Embassy—Brussels, APO New York 09667
- F61060—USDAO, American Embassy—Sofia, APO New York 09757
- F61080—USDAO, American Consulate General—Prague, APO New York 09757
- F61100—USDAO, American Embassy—Copenhagen, APO New York 09170
- F61101, T1—Det 1, Space Combat Operations Staff/LGC, APO New York 09170-5000
- F61121, RF—USAFE Contracting Office, OL A DET 4, 7000 CONS/LGC, APO New York 09193-5320
- F61130—USDAO, American Embassy—Helsinki, APO New York 09664
- F61171—USDAO, American Embassy—Athens, APO New York 09223
- F61173, N1—USAFE Contracting Region—Greece, Det 7, 7000 CONS/LGC, APO New York 09223-5320
- F61180—USDAO, American Consulate General—Budapest, APO New York 09757
- F61210—USDAO, American Embassy—Rome, APO New York 09794
- F61211, N9—USAFE Contracting Region—Italy, Det 6, 7000 CONS/LGC, APO New York 09293-5320
- F61214, U9—USAFE Contracting Office, OL-A Det 6, 7000 CONS/LGC, APO New York 09240-5320
- F61220, BZ—AFLC/SCE-PM, Support Center Europe, APO New York 09240-5320
- F61230, XV—AFLC SCE/RMP, APO New York 09243-5000
- F61250, TP—USAFE Contracting Office, OL-B DET 6, 7000 CONS/LGC, APO New York 09694-5320
- F61256—USAFE Contracting Office, OL-C DET 6, 7000 CONS/LGC, APO New York 09161-5320
- F61260—USDAO, American Embassy—The Hague, APO New York 09159
- F61264—USAFE Contracting Office, OL-B DET 10, 7000 CONS/LGC, APO New York 09669-5320
- F61270—USDAO, American Embassy—Oslo, APO New York 09085
- F61271, T8—USAFE Contracting Office, OL-A Det 2, 7000 CONS/LGC, APO New York 09085-5320
- F61280—USDAO, American Consulate General—Belgrade, APO New York 09757
- F61290—USDAO, American Embassy—Lisbon, APO New York 09678
- F61301—USDAO, American Embassy—Bucharest, APO New York 09757
- F61308, W3—USAFE Contracting Region—Spain, Det 5, 7000 CONS/LGC, APO New York 09283-5320
- F61310—USDAO, American Embassy—Madrid, APO New York, NY 09285
- F61354, W8—7241 ABG/LGC, APO New York 09224-5320
- F61355, T4—HQ TUSLOG/LGC, APO New York 09254-5320
- F61358, W9—39 TACC/LGC, APO New York 09289-5320



- F61503, UC—435 TAW/LGC, APO New York 09057-5320
- F61504, T6—7350 ABG/LGC, APO New York 09611-5320
- F61517, UF—USAFE Contracting Region—Eifel, Det 3, 7000 CONS/LGC, APO New York 09132-5320
- F61519, R4—USAFE Contracting Region—Mosel, Det 10, 7000 CONS/LGC, APO New York 09109-5320
- F61521, UH—USAFE Contracting Office—Rhineland Pfalz, Det 2, 7000 CONS/LGC, APO New York 09012-5320
- F61527—USAFE Contracting Office, OL-C Det 10, 7000 CONS/LGC, APO New York 09027-5320
- F61546, UJ—USAFE Contracting Center, Det 1, 7000 CONS/LGC, APO New York 09633-5320
- F61560, 4C—AFLC Logistics Support Group—Europe, APO New York 09012
- F61700, TM—USAFE Contracting Office, OL-A Det 9, 7000 CONS/LGC, APO New York 09150-5320
- F61708, UK—USAFE Contracting Region—Thames Valley, Det 9, 7000 CONS/LGC, APO New York 09194-5320
- F61712, UM—USAFE Contracting Office, OL-B Det 4, 7000 CONS/LGC, APO New York 09755-5320
- F61730, UQ—USAFE Contracting Office, OL-C Det 4, 7000 CONS/LGC, APO New York 09238-5320
- F61775, UV—USAFE Contracting Region—UK North, Det 4, 7000 CONS/LGC, APO New York 09179-5320
- F61815, T7—USAFE Contracting Office, OL-A Det 10, 7000 CONS/LGC, APO New York 09232-5320
- F61817, UW—USAFE Contracting Office, OL-A Det 5, 7000 CONS/LGC, APO New York 09286-5320
- F61910, WJ—USAFE Contracting Office, OL-A Det 3, 7000 CONS/LGC, APO New York 09188-5320
- F62032, 4D—HQ USMTM/SAS-LGC, APO New York 09616-5320
- F62321, RA—313 AD Contracting Center/LGC, APO SF 96239-5320
- F62509, QZ—432 TFW Base Contracting Division/LGC, APO SF 96519-5000
- F62562, SW—475 ABW Contracting Center/LGC, APO SF 96328-5320
- F62600—5 DSCS/LGC, APO SF 96287-5000
- F63197, UX—USAFE Contracting Office OL-A Det 7, 7000 CONS/LGC, APO New York 09291-5320
- F64133, S9—633ABW/LGC, APO SF 96334-5320
- F64605, TN—15 ABW Contracting Center/LGC, Hickam AFB, HI 96853-5320
- F64608—Communications/ADPE Branch, 15 ABW Contracting Center, Hickam AFB, HI 96853-5320
- F64620, SZ—HQ PACAF/LGC, Hickam AFB, HI 96853-5001
- F64719, TK—13 AF Contracting Center/LGC, APO SF 96274-5320
- F65501, WF—Det 2, 5000 CONS/LGC, Elmendorf AFB, AK 99506-5001
- F65503, WH—Det 1, 5000 CONS/LGC, Eielson AFB, AK 99702-5320
- F65517, QN—HQ AAC/LGC, Elmendorf AFB, AK 99506-5001
- F66501, R7—USAFSO/LGC, APO Miami 34001-5320
- Defense Logistics Agency*
- DLAH00, YK—Defense Logistics Agency, ADP/Telecommunications Contracting Office, Cameron Station, Alexandria, VA 22304-6100
- DLA002, TS—Defense Industrial Plant Equipment Center, Defense Depot Memphis, Memphis, TN 38114-5297
- DLA003, TT—Defense Depot Ogden, Ogden, UT 84407-5000
- DLA005, TV—Defense Depot Tracy, South Chrisman Road, Tracy, CA 95376-5000
- DLA100, TW—Defense Personnel Support Center, Directorate of Clothing & Textiles, 2800 South 20th Street, Philadelphia, PA 19101-8419
- DLA120, TX—Defense Personnel Support Center, Directorate of Medical Materiel, 2800 South 20th Street, Philadelphia, PA 19101-8419
- DLA13H, UE—Defense Personnel Support Center, Directorate of Subsistence, 2800 South 20th Street, Philadelphia, PA 19101-8419
- DLA132, U8—Defense Subsistence Office, Kansas City, 601 E. 12th Street, Room 1768, Kansas City, MO 64106-2895
- DLA135, W4—Defense Subsistence Office, New Orleans, 4400 Dauphine Street, New Orleans, LA 70146-5210
- DLA136, W5—Defense Subsistence Office, Cheatham, Cheatham Annex, Bldg 113, Williamsburg, VA 23185-0001
- DLA137, W6—Defense Subsistence Region, Pacific, 2155 Mariner Square Loop, Alameda, CA 94501-1022
- DL139, U6—Defense Subsistence Region, Europe, APO New York, NY 09052
- DLA140, W7—Defense Personnel Support Center, (Installation Support), 2800 South 20th Street, Philadelphia, PA 19101-8419
- DLA200, X1—Defense Reutilization and Marketing Service, Federal Center, Battle Creek, MI 49017-3092
- DLA300, VS—Defense National Stockpile Center, 1745 Jefferson Davis Hwy, Suite 100, Arlington, VA 22202-5000
- DLA301, VT—Defense National Stockpile Center, Zone 1 Management Office, Room 19-116, 26 Federal Plaza, New York, NY 10078-5000
- DLA302, VU—Defense National Stockpile Center, Zone 2 Management Office, 3200 Sheffield Avenue, Hammond, IN 46327-5000
- DLA303, VY—Defense National Stockpile Center, Zone 3 Management Office, 819 Taylor Street, Fort Worth, TX 76102-5000
- DLA400, TY—Defense General Supply Center, Richmond, VA 23297-5000
- DLA410, XH—Defense General Supply Center, Base Support Branch, Richmond, VA 23297-5000
- DLA420, XK—Defense General Supply Center, Educational Supplies Branch Richmond, VA 23297-5000
- DLA430—Defense General Supply Center, COPS, Richmond, VA 23297-5000
- DLA500, TZ—Defense Industrial Supply Center, 700 Robbins Avenue, Philadelphia, PA 19111-5096
- DLA510, W2—Defense Industrial Supply Center, Base Operating Support System (BOSS), 700 Robbins Avenue, Philadelphia, PA 19111-5096
- DLA520—Defense Industrial Supply Center, Product Verification Testing (PVT) Acquisitions, 700 Robbins Avenue, Philadelphia, PA 19111-5096
- DLA600, UA—Defense Fuel Supply Center, Cameron Station, Alexandria, VA 22304-6160
- DLA700, UB—Defense Construction Supply Center, P.O. Box 3990, Columbus, OH 43216-5000
- DLA710, YL—Defense Construction Supply Center, Commercial Activities & Services Branch, P.O. Box 16704, Columbus, OH 43216-5010
- DLA720, YM—Defense Construction Supply Center, Wood Products Branch, P.O. Box 16704, Columbus, OH 43216-5010
- DLA730, WZ—Defense Construction Supply Center, Military Interdepartmental Purchase Request, MRP Division, P.O. Box 3990, Columbus, OH 43216-5000
- DLA740, XJ—Defense Construction Supply Center, High Demand Group (MINI-ICP), P.O. Box 3990, Columbus, OH 432316-5000
- DLA750, UB—Defense Construction Supply Center, Contracts Division I, P.O. Box 16704, Columbus, OH 43216-5010
- DLA760, UB—Defense Construction Supply Center, Contracts Division II, P.O. Box 16704, Columbus, OH 43216-5010
- DLA770, UB—Defense Construction Supply Center, Contracts Division III, P.O. Box 16704, Columbus, OH 43216-5010
- DLA8AC, UG—DCMAO, Santa Ana, 34 Civic Center Plaza, P.O. Box C 12700, Santa Ana, CA 92712-2700



- DLA8AL, Y1—DCMAO, Atlanta, 805 Walker Street, Marietta, GA 30060-2789
- DLA8AM, YQ—DPRO McDonnell Douglas, P.O. Box 5669, Titusville, FL 32783-5669
- DLA8AN, Z4—DCMAO Clearwater, 1100 Cleveland Street, Suite 200, Clearwater, FL 34615-4822
- DLA8AP, Z5—DPRO Grumman St. Augustine, 5000 US HWY 1, North, P.O. Drawer 3447 St. Augustine, FL 32085-3447
- DLA8AQ—DCMC Aircraft Program Management Office, 805 Walker Street, Marietta, GA 30060-2789
- DLA8AR—DPRO Michoud, 13800 Old Gentilly Highway, Bldg. 350, P.O. Box 29503, New Orleans LA 70189-0503
- DLA8AS—DCMR Atlanta, Termination Settlement Division, 805 Walker Street, Marietta, GA 30060-2789
- DLA8AT, UL—DCMR, Atlanta 805 Walker Street Marietta, GA 30060-2789
- DLA8AU, QV—DPRO Aerojet, Sacramento, P.O. Box 15846, Sacramento, CA 95852-1846
- DLA8BA, UN—DCMAO Birmingham, 2121 8th Avenue North, Room 104, Birmingham, AL 35208-2376
- DLA8BC, UP—DCMAO Bridgeport, 555 Lordship Blvd, Stratford, CT 06497-5000
- DLA8BF, W1—DPRO Bell Helicopter Textron, P.O. Box 1605, Fort Worth, TX 76101-1605
- DLA8BK, Z3—DPRO Boeing Louisiana, Inc., 4300 Legion Street, Lake Charles, LA 70601-5166
- DLA8BL, Y4—DPRO Textron Lycoming Division 550 South Main Street, Stratford, CT 06497-7593
- DLA8BM, UR—DCMAO Baltimore, 200 Towsontown Blvd., West, Towson, MD 21204-5299
- DLA8BN, US—DPRO AT&T Technologies, Inc., 204 Graham Hopedale Road, Burlington, NC 27217-2941
- DLA8BP, UT—DCMR Boston, 495 Summer Street, Boston, MA 02210-2184
- DLA8BQ, TU—DPRO Boeing Helicopter P.O. Box 16859, Philadelphia, PA 19142-0859
- DLA8BR, SP—DPRO Boeing, Seattle, P.O. Box 3707, Seattle, WA 98124-3707
- DLA8BS, Y3—DCMAO Boston, 495 Summer Street, Boston, MA 02210-2184
- DLA8BT, UU—DPRO Allied Signal, Route 46, Teterboro, NJ 07068-1173
- DLA8BU, XC—DCMAO Buffalo, 1103 Federal Building, 111 W. Huron Street, Buffalo, NY 14202-2392
- DLA8BV, YT—DPRO General Electric, Lakeside Avenue, Burlington, VT 05401-4984
- DL8BW, RP—DPRO Boeing, Military Airplanes, P.O. Box 7730, Wichita, KS 62777-7730
- DLA8CD, UZ—DCMAO Cedar Rapids, 1231 Park Place NE, Cedar Rapids, IA 52402-2023
- DLA8CH, UY—DCMR Chicago, O'Hare International Airport, P.O. Box 66475, Chicago, IL 60666-0475
- DLA8CL, VB—DCMR Cleveland, J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, OH 44199-2063
- DLA8CM, U5—DPRO BMY Marysville, 13311 Industrial Parkway, Marysville, OH 43040-9599
- DLA8CN, Y5—DCMAO Cleveland, J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, OH 44199-2064
- DLA8CO, X6—DPRO Loral, 1432 Exeter Road, Akron, OH 44306-3893
- DLA8CS, VE—DPRO General Dynamics, 5001 Kearny Villa Road, P.O. Box 85375, San Diego, CA 92138-5357
- DLA8DA, VG—DCMR Dallas, 1200 Main Street, Dallas, TX 75202-4399
- DLA8DB, Z7—DCMAO Dallas, P.O. Box 50500, Dallas, TX 75250-5050
- DLA8DC, VH—DCMAO San Diego, 7675 Dagget Street, Suite 200, San Diego, CA 92111-2241
- DLA8DD, U4—DPRO Rockwell International, 3200 E Renner Road, MS 462-115, Richardson, TX 75082-2402
- DLA8DL, TC—DPRO Douglas, Long Beach, 3855 Lakewood Boulevard, Long Beach, CA 90846-0001
- DLA8DM, Y7—DCMAO Detroit, McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226-2506
- DLA8DN, VK—DCMAO, Denver 750 W Hampden Avenue, Suite 250, Englewood, CO 80110-2199
- DLA8DP, VL—DCAMO, Dayton, c/o Defense Electronics Supply Center, Building 1, Dayton, OH 45444-5300
- DLA8EC, YP—DCMAO, Chicago, O'Hare International Airport, P.O. Box 66911, Chicago, IL 60666-0911
- DLA8EG, ST—DPRO, Eaton, AIL DIV, Commack Road, Deer Park, NY 11729-9998
- DLA8FL, VN—DPRO, ITT, Defense Group, 500 Washington Ave., Nutley, NJ 07110-3698
- DLA8FM, 3N—DPRO, FMC, Minneapolis, 4800 East River Road, Minneapolis, MN 55421-1402
- DLA8FS, VR—DPRO, FMC, 1125 Coleman Avenue, P.O. Box 367, San Jose, CA 95103-0367
- DLA8FT, Y2—DPRO, Ford Newport Beach, Administration Building, Room 313, Ford Road, Newport Beach, CA 92658-8900
- DLA8GB, KK—DPRO, Grumman Aerospace, Bethpage, Bethpage, NY 11714-3531
- DLA8GC, SB—DPRO, GE Aircraft Engines, Cincinnati, Mail Drop N-1, Cincinnati, OH 45215-6303
- DLA8GD, YB—DPRO, Westinghouse, 18901 Euclid Avenue, Cleveland, OH 44117-1388
- DLA8GE, 7Q—DPRO, General Electric, Aircraft Engines, Lynn, 1000 Western Avenue, Lynn, MA 0910-0445
- DLA8GF, SL—TH—DPRO, General Dynamics, Fort Worth, P.O. Box 371, Fort Worth, TX 76101-0371
- DLA8GG, KD—DPRO, General Dynamics, Pomona, P.O. Box 2505, Pomona, CA 91769-2505
- DLA8GL, VV—DPRO, General Electric Company, M/S 9-2 Automated Systems Department, Bedford Street, P.O. Box 588, Burlington, MA 01803-0949
- DLA8GM, VW—DCMAO, Grand Rapids, Riverview Center Building, 678 Front Street, NW, Grand Rapids, MI 49504-5352
- DLA8GN, VX—DCMAO, Garden City, 605 Stewart Avenue, Garden City, NY 11530-4761
- DLA8GP, YF—DPRO, General Dynamics, Lima, 1155 Buckeye Road, Lima, OH 45804-1898
- DLA8GQ, SF—DPRO, General Electric, Philadelphia, 230 Goddard Boulevard, King of Prussia, PA 19406-2902
- DLA8GR, MO—DPRO, General Electric, Pittsfield, 100 Plastics Avenue, Pittsfield, MA 01201-3696
- DLA8GW, Z2—DPRO, General Dynamics, Warren, 28251 Van Dyke Street, Warren, MI 48090-5000
- DLA8HB, WA—DPRO, PEMCO Aeroplex, Inc., P.O. Box 12447, Birmingham, AL 35202-2447
- DLA8HC, WB—DCMAO, Hartford, 130 Darlin Street, East Hartford, CT 06108-3234
- DLA8HD, WC—DPRO, Kearfott/Plessey, 164 Totowa Road, M/S 11A30, Wayne, NJ 07474-0975
- DLA8HL, QT—DPRO, Hughes, Los Angeles, P.O. Box 92463, Los Angeles, CA 90009-2463
- DLA8HM, WD—DPRO, Honeywell, Honeywell Plaza, 2701 Fourth Avenue, South, Minneapolis, MN 54408-1792
- DLA8HN, DPRO, Hercules, Magna, P.O. Box 157, Magna, UT 84044-0157
- DLA8HR, Z9—DCMC Residence Hawaii, Federal Building, Room 4115, 300 Ala Moana Boulevard, Honolulu, HI 96813-4908
- DLA8HS, XT—DPRO, Hamilton Standard, 1 Hamilton Road, Windsor Locks, CT 06096-0463
- DLA8HT, SR—DPRO, Hughes Missile Systems Group, P.O. Box 11337, M/S E-4, Tucson, AZ 85734-1337



- DLA8HU, XG—DPRO, Hughes, Building 600, Mail Station C107, P.O. Box 3310, Fullerton, CA 92634-3310
- DLA8JJ, WG—DCMAO, Indianapolis, Building 1, Fort Benjamin Harrison, IN 46249-5701
- DLA8JK, Z6—DPRO, GMC Allison, 2001 South Tibbs Avenue, Indianapolis, IN 46241-4812
- DLA8JL, X2—DPRO, Magnavox, 1616 Directors Row, Fort Wayne, IN 46808-1236
- DLA8KA, XY—DPRO, Kaman Aerospace, Old Windsor Road, P.O. Box 2, Bloomfield, CT 06002-0002
- DLA8LA, WL—DCMR, Los Angeles, 222 N Sepulveda Boulevard, El Segundo, CA 90245-4320
- DLA8LB, WM—DPRO, Litton, 5490A Canoga Ave., Woodland Hills, CA 91367-6619
- DLA8LC, Y8—DCMAO, El Segundo, 222 North Sepulveda Boulevard, El Segundo, CA 90245-4320
- DLA8LD, WP—DPRO, LTV Aerospace and Defense, P.O. Box 655907, M/S 4915, Dallas, TX 75265-5907
- DLA8LE, KZ—DPRO, Lockheed, Burbank, P.O. Box 551, Burbank, CA 91520-1070
- DLA8LF, QX—DPRO, Lockheed, Sunnyvale, P.O. Box 3504, Sunnyvale, CA 94088-3504
- DLA8LG, RK—DPRO, Lockheed Aeronautical Systems Company—Georgia, 865 Cobb Drive, Marietta, GA 30063-0260
- DLA8LS, KH—DPRO, Lockheed Missiles, Sunnyvale, P.O. Box 3504, Sunnyvale, CA 94088-3504
- DLA8LT, WN—DPRO, E-Systems, Inc., P.O. Box 379, Greenville, TX 75401-0379
- DLA8MB, V1—DPRO, Harris, Melbourne, 1425 Troutman Boulevard, N.E., Palm Bay, FL 32905-4102
- DLA8MC, V2—DPRO, Rockwell International-MSD, P.O. Box 1357, Duluth, GA 30136-4099
- DLA8MD, RE—DPRO, Martin Marietta, Denver, P.O. Box 179, Denver, CO 80201-0179
- DLA8MF, QF—DCMAO, Puerto Rico, Box DLA N S G A, FPO Miami, FL 34053-0007
- DLA8MH, X9—DPRO, McDonnell Douglas, Space Systems Company, 5301 Bolsa Avenue, Huntington Beach, CA 92647-2048
- DLA8ML, TR—DPRO, McDonnell Douglas Helicopter, 5000 East McDowell Road, Mesa, AZ 85025-9797
- DLA8MM, XL—DPRO, Martin Marietta, Orlando, P.O. Box 55837, Mail Point 49, Orlando, FL 32855-5837
- DLA8MN, WQ—DCMAO, Twin Cities, 2305 Ford Parkway, St. Paul, MN 55116-1893
- DLA8MS, JZ—DPRO, McDonnell Douglas, St. Louis, P.O. Box 516, St. Louis, MO 63166-0516
- DLA8MW, WR—DCMAO, Milwaukee, H.S. Reuss Federal Building, Suite 340, 310 West Wisconsin Avenue, Milwaukee, WI 53203-2262
- DLA8NC, WV—DCMAO, Ottawa, P.O. Box 3416, Station D, Ottawa, On Canada K1P 6L4
- DLA8NF, WW—DCMAO, Orlando, 3555 Maguire Boulevard, Orlando, FL 32803-3726
- DLA8NH, YS—DPRO, Lockheed Sanders, Inc. Daniel Webster Highway, South, P.O. Box 868, Nashua, NH 03061-0868
- DLA8NJ, WT—DCMAO, Springfield, 240 Route 22, Springfield, NJ 07081-3170
- DLA8NK, QR—DPRO, Northrop, Hawthorne, One Northrop Avenue, Hawthorne, CA 90250-3296
- DLA8NL, Z1—DCMAO, New Orleans, P.O. Box 29283, New Orleans, LA 70189-0283
- DLA8NM, YR—DCASPRO, IBM, Route 17C, Owego, NY 13827-1298
- DLA8NN, YN—DPRO, Harris, 6801 Jericho Turnpike, Syosset, NY 11791-4465
- DLA8NY, WU—DCMR, New York, 201 Varick Street, New York, NY 10014-4811
- DLA8NZ, Y9—DCMAO, New York, 201 Varick Street, New York, NY 10014-4811
- DLA8PA, WY—DCMAO, Phoenix, The Monroe School, 215 N 7th Street, Phoenix, AZ 85034-1012
- DLA8PE, T5—DPRO, Pratt & Whitney, East Hartford, 400 Main Street, East Hartford, CT 06108-0969
- DLA8PH, XA—DCMR, Philadelphia, P.O. Box 7478, Philadelphia, PA 19101-7478
- DLA8PL, X3—DCMAO, Philadelphia, P.O. Box 7699, Philadelphia, PA 19101-7699
- DLA8PM, XB—DPRO, IBM Manassas, 9500 Godwin Drive, Manassas, VA 22110-4198
- DLA8PP, XD—DCMAO, Pittsburgh, 1612 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4190
- DLA8PR, X7—DPRO, GE Aerospace, Marne Highway and Borton Landing Road, Moorestown, NJ 08057-3095
- DLA8PW, T2—DPRO, Pratt & Whitney, West Palm Beach, P.O. Box 109600, West Palm Beach, FL 33410-9600
- DLA8RA, 7H—DCMC Residency, Annapolis, P.O. Box 1488, Annapolis, MD 21404-1488
- DLA8RB, XF—DPRO, Raytheon, Spencer Laboratory, Wayside Ave, Burlington, MA 01803-0901
- DLA8RC, RY—DPRO, Rockwell, Canoga Park, 6633 Canoga Avenue, Canoga Park, CA 91303-2790
- DLA8RD, RB—DPRO, Rockwell, Anaheim, 3370 Miraloma Avenue M/SAB02A, Anaheim, CA 92803-3110
- DLA8RL, QS—DPRO, Rockwell, Los Angeles, P.O. Box 92098, Los Angeles, CA 9009-2098
- DLA8RP, XM—DCMAO, Reading, 45 South Front Street, Reading, PA 19602-1094
- DLA8SA, XN—DCMAO, San Antonio, 615 East Houston, P.O. Box 1040, San Antonio, TX 78294-1040
- DLA8SD, X8—DPRO, Sundstrand, P.O. Box 5066, Rockford, IL 61125-0066
- DLA8SF, XR—DCMAO, San Francisco, 1250 Bayhill Drive, San Bruno, CA 94066-3070
- DLA8SK, XQ—DPRO, Link Flight Simulation, Kirkwood Plant, Binghamton, NY 13902-1237
- DLA8SL, XS—DCMR, St. Louis, 1222 Spruce Street, St. Louis, MO 63103-2811
- DLA8SN, XU—DCMAO, Syracuse, 615 Erie Boulevard, West, Syracuse, NY 13204-2408
- DLA8SS, LF—DPRO, UTC Sikorsky Aircraft Division, Stratford, CT 06497-7553
- DLA8ST, X5—DCMAO, St. Louis, 1222 Spruce Street, St. Louis, MO 63103-2812
- DLA8SW, XW—DCMAO, Seattle, Building 5D, Naval Station Puget Sound, Seattle, WA 98115-5010
- DLA8SY, XX—DPRO, GTE Government Systems Corporation, 200 First Ave, Needham, MA 02194-9123
- DLA8TB, R6—DPRO, Thiokol, P.O. Box 524, Mail Stop X-10, Brigham City, UT 84302-0524
- DLA8TE, XZ—DPRO, Texas Instruments, Inc. P.O. Box 660246, M/S 256, Dallas, TX 75266-0246
- DLA8TO, U3—DPRO, McDonnell Douglas/Rockwell, 2000 North Memorial Drive, Tulsa, OK 74115-3833
- DLA8TR, S6—DPRO, TRW, Redondo Beach, One Space Park, Redondo Beach, CA 90278-1078
- DLA8TW, SQ—DPRO, Textron Defense Systems, 201 Lowell Street, Wilmington, MA 01887-2941
- DLA8UG, NH—DPRO, Unisys, Great Neck, Long Island, Great Neck, NY 11020-7001
- DLA8VC, YC—DCMAO, Van Nuys, 6230 Van Nuys Boulevard, Van Nuys, CA 91401-2713
- DLA8WB, S2—DPRO, Westinghouse Electric, Baltimore, P.O. Box 1693, M/S 1265, Baltimore, MD 21203-1693
- DLA8WK, YD—DCMAO, Wichita U.S. Courthouse, Suite B-34, 401 North Market, Wichita, KS 67202-2095
- DLA8WR, YH—DPRO, Williams International, c/o Williams International Corporation, 2280 West Maple Road, Walled Lake, MI 48083-0200



DLA8WS, YG—DPRO, Westinghouse,  
401 East Hendy Avenue, P.O. Box  
3499, M/S 11-7, Sunnyvale, CA 94088-  
3499

DLA8WT, Z8—DPRO, Grumman  
Aerospace Corporation, P.O. Box  
9015, Stuart, FL 33495-9015

DLA8WU, VA—DPRO, Northrop, 600  
Hicks Rd, Rolling Meadows, IL 60008-  
1098

DLA900, UD—Defense Electronics  
Supply Center, 1507 Wilmington Pike,  
Dayton, OH 45444-5000

DLA910, U7—Defense Electronics  
Supply Center, Base Contracting  
Section, 1507 Wilmington Pike,  
Dayton, OH 45444-5000

#### *Defense Communications Agency*

DCA100, VC—Defense Communications  
Agency (ZD10), Contract Management  
Division, Attn: PL, Washington, DC  
20305-2000

DCA200, VP—DECCO (ZD11), Attn:  
RGC, Scott AFB, IL 62225-8300

DCA400—DECCO-Europe (ZD13), Attn:  
RS, APO New York, NY 09136-5000

#### *Defense Mapping Agency*

DMA600, BQ—Defense Mapping Agency  
System Center (ZD40), 12100 Sunset  
Hills Road, Suite 200, Reston, VA  
22090-3207

DMA650—Defense Mapping Agency  
(ZD43), Hydrographic/Topographic  
Center \*SXO\*, Building 4011, Ft. Sam  
Houston, TX 78234-5000

DMA700, 8Y—Defense Mapping Agency  
(ZD41), Aerospace Center, 3200 South

Second Street, Attn: AQI, St. Louis,  
MO 63118-3399

DMA800, YZ—Defense Mapping Agency  
(ZD42), Hydrographic/Topographic  
Center AQ, 6500 Brookes Lane,  
Washington, DC 20315-0030

#### *Defense Nuclear Agency*

DNA001, 8Z—Defense Nuclear Agency  
(ZD30), Headquarters, 6801 Telegraph  
Road, Attn: AM, Washington, DC  
22310

DNA002, 0N—Defense Nuclear Agency  
(ZD31), Field Command, Attn: Office  
of Procurement, Kirtland AFB, NM  
87115-5000

DNA004—DNA Armed Forces  
Radiobiology (ZD32), Research  
Institute, Attn: Building 42, Bethesda,  
MD 20814-5145

#### *Miscellaneous Defense Activities*

MDA902—Armed Forces Radio and  
Television Service (ZD02), 10888 La  
Tuna Canyon Road, Sun Valley, CA  
91352-2058

MDA903, F7—Defense Supply Service-  
Washington (ZD03), Room ID245, The  
Pentagon, Washington, DC 20310-5200

MDA904, BE—Maryland Procurement  
Office (ZD04), 9800 Savage Road,  
Attn: L411, Ft. George G. Meade, MD  
20755-6000

MDA905, B4—Uniformed Services  
University of the (ZD05), Health  
Sciences, 4301 Jones Bridge Road,  
Bethesda, MD 20814-4799

MDA906—Office for the Civilian Health  
& Medical (ZD06), Program of the

Uniformed Services (CHAMPUS)  
Attn: Contract Management, Aurora,  
CO 80045-6900

MDA907—Purchasing and Contracting  
Office (ZD07), Menwith Hill Station,  
APO New York 09210

MDA908, 2X—Virginia Contracting  
Activity (ZD50), P.O. Box 46563, Attn:  
RSQ, Washington, DC 20050-6563

MDA946—WHS Contracting Office  
(ZD46), Real Estate/Facilities  
Directorate, The Pentagon, Room  
2E174, Washington, DC 20301-1155

MDA970, ZL—Defense Evaluation  
Support Activity (ZD70), Building  
20451, Attn: DESA-PD, Kirtland AFB,  
NM 87117-5000

MDA972, WS—DARPA Contract  
Management Office (ZD72), 1400  
Wilson Blvd., Arlington, VA 22209-  
2309

#### *On-Site Inspection Agency*

OS1A01—On-Site Inspection Agency  
(ZD74), Washington/Dulles  
International Airport, Washington, DC  
20041-0498

#### *Strategic Defense Initiative Organization*

SDIO84—Strategic Defense Initiative  
Organization (ZD60), The Pentagon,  
Room 1E1019, Attn: SDIO/CT (Mrs.  
Wilhelm), Washington, DC 20301-7100

[FR Doc. 90-26972 Filed 11-19-90; 8:45 am]

BILLING CODE 3810-01-M



# Order Report

Wednesday,  
November 21, 1990

## Part III

## Department of Labor

### Employment and Training Administration

Revised Interim Operating Instructions  
for Implementing the 1988 Amendments  
to Trade Adjustment Assistance for  
Workers Program; Notice



**DEPARTMENT OF LABOR****Employment and Training Administration****Revised Interim Operating Instructions for Implementing the 1988 Amendments to Trade Adjustment Assistance for Workers Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of general administration letter No. 15-90 and training and employment information notice No. 13-90.

**SUMMARY:** The Department of Labor (Department) publishes this notice and General Administration Letter (GAL) No. 15-90 and Training and Employment Information Notice (TEIN) No. 13-90 to inform the States and cooperating State agencies of the 1988 Amendments to the Trade Act of 1974 which affect the program of trade adjustment assistance for workers, and which affect the administration of the program by the States pursuant to their agreements with the Secretary of Labor. In GAL 15-90 and TEIN 13-90, the Department announces significant changes to the previously issued operating instructions for implementing the 1988 Amendments. With the issuance of GAL 15-90, the Department rescinds GAL 7-88 and Changes 1 and 2 to GAL 7-88, TEIN 6-88 and Change 1 to TEIN 6-88, and reissues all operating instructions stemming from the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amendments to the Trade Adjustment Assistance (TAA) for Workers Program.

The operating instructions in GAL 15-90 constitute the controlling guidance for the States and cooperating State agencies on the 1988 Amendments, and are effective with respect to all determinations, redeterminations, and decisions made by the States and the cooperating State agencies after August 21, 1990.

GAL 15-90 (dated August 21, 1990) and TEIN 13-90 (dated September 13, 1990) inform the States and cooperating State agencies of the new interpretations of the amendments to the TAA Program in the OTCA and furnish operating instructions which supersede the operating instructions previously furnished to the States and the cooperating State agencies. GAL 15-90 and TEIN 13-90 focus primarily on the application of the new eligibility period for basic Trade Readjustment Allowances (TRA) and center on the effective date provisions of the OTCA Section 1430, subsections (a) and (g). GAL 15-90 also provides revised

instructions for application of the 210-day requirement relating to additional TRA benefits, a revised interpretation on counting days of a break in training, and instructions for the 1986 and 1990 Gramm-Rudman-Hollings sequester reductions to TRA payments.

**FOR FURTHER INFORMATION CONTACT:**

Marvin M. Fooks, Director, Office of Trade Adjustment Assistance. Telephone: (202) 523-0756; this is not a toll free telephone number.

**SUPPLEMENTARY INFORMATION:**

On August 23, 1988, the President signed into law the "Omnibus Trade and Competitiveness Act of 1988", (Pub. L. 100-418). Part 3—Trade Adjustment Assistance, of subtitle D of title I of the Act concerns trade adjustment assistance for workers and firms, and GAL 15-90 published with this notice concerns only the provisions affecting adjustment assistance for workers. Most of the provisions of part 3 affecting the program of trade adjustment assistance for workers are in the form of amendments to chapter 2 of title II of the Trade Act of 1974. Most of these provisions were effective on the date of enactment, that is, on August 23, 1988. Several provisions were effective 30 or 90 days after date of enactment. This delayed effectiveness was to allow time for planning and preparation so that the provisions could be implemented on their effective dates.

There are also other provisions of the OTCA affecting workers which do not amend existing statutory law, including the provisions on oil and gas workers separated after September 30, 1985, and the provisions on eligibility for TRA of workers totally separated from adversely affected employment during the period which began on August 13, 1981, and ended on April 7, 1986.

The 1988 Amendments must be given effect as of the respective effective dates set out in the OTCA and contained in GAL 15-90 published with this notice.

The 1988 Amendments supersede the statute in effect prior to these amendments and affect the regulations at 20 CFR part 617 and 29 CFR part 90 currently in effect, to the extent that such prior law and regulations are inconsistent with the 1988 Amendments. Pending the issuance of final regulations implementing the provisions of the 1988 Amendments, GAL 15-90, published with this notice, expresses the Department's position on the terms of the amendments and their respective meanings, and constitutes controlling operating instructions to the States and cooperating State agencies.

The Department published for comment proposed regulations on November 30, 1988, at 53 FR 48474 (affecting 20 CFR part 617) that would implement the provisions of part 3 relating to worker adjustment assistance. The final regulations will be issued soon. In the meantime, it is essential to inform the States and the cooperating State agencies of the terms of the provisions and of the Department's instructions concerning the proper implementation of these provisions.

GAL 15-90, TEIN 13-90, and this notice notify the States and cooperating State agencies that the provisions of part 3 on worker adjustment assistance supersede the prior provisions of chapter 2 of title II of the Trade Act of 1974 to the extent that they are inconsistent with or amend or replace the provisions of the Trade Act. Notice is also given that the provisions of part 3 also affect the provisions of the current regulations implementing chapter 2 of title II of the Trade Act of 1974, to the extent that the provisions of such regulations are inconsistent with the provisions of part 3.

GAL 15-90 and TEIN 13-90 supersede all TAA program operating instructions previously issued as GAL 7-88 and Changes 1 and 2 to GAL 7-88, and TEIN 6-88 and Change 1 to TEIN 6-88. The operating instructions in GAL 15-90 (including Attachments A and B) and TEIN 13-90 are issued to the States and the cooperating State agencies as guidance provided by the Department of Labor in its role as the principal in the TAA Program. As agents of the United States, the States and the cooperating State agencies may not vary from the operating instructions in this document (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor. Pending the issuance of final regulations implementing the provisions of part 3, therefore, after the date of GAL 15-90 the operating instructions (and any subsequent and supplemental operating instructions) shall constitute the controlling guidance for the States and the cooperating State agencies in implementing and administering the provisions of part 3 pursuant to the agreements between the States and the Secretary of Labor under section 239 of the Trade Act of 1974. The provisions of 20 CFR 617.52(c) shall apply regarding the carrying out of the operating instructions in this document and any subsequent or supplemental operating instructions, including GAL 6-88 and the prior operating instructions for the periods they were in effect.



For the reasons set out above, GAL No. 15-90 is published below, together with TEIN No. 13-90.

Signed at Washington, DC, on November 13, 1990.

Roberts T. Jones,  
Assistant Secretary of Labor.

BILLING CODE 4510-30-M



<b>U.S. Department of Labor</b> Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION
	TAA
	CORRESPONDENCE SYMBOL
	TWT
	DATE
	September 13, 1990

## TRAINING AND EMPLOYMENT INFORMATION NOTICE NO. 13-90

TO : ALL STATE JTPA LIAISONS, STATE WORKER ADJUSTMENT  
LIAISONS, AND STATE WAGNER-PEYSER ADMINISTERING  
FROM : AGENCIES  
ROBERTS T. JONES  
Assistant Secretary of Labor

SUBJECT : Operating Instructions for Implementing the Omnibus  
Trade and Competitiveness Act of 1988 Amendments to  
the Trade Adjustment Assistance Program, Including  
Significant Changes Affecting Basic and Additional  
TRA Entitlement

1. Purpose:

A. To inform the State JTPA Liaisons, State Worker Adjustment Liaisons, and State Wagner-Peyser Administering Agencies of significant changes to the operating instructions for implementing the 1988 amendments affecting the Trade Adjustment Assistance for Workers (TAA) program.

B. To inform States of the rescission of GAL 7-88 and Changes 1 and 2 to GAL 7-88 and announce the reissuance, as a single superseding document (GAL 15-90), of all operating instructions stemming from the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amendments to the Trade Adjustment Assistance (TAA) for Workers Program.

2. References. The Trade Act of 1974; Part 3 of Subtitle D of Title I of the OTCA of 1988 (Pub. L. 100-418); Section 13009(d) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (Pub. L. 99-272); regulations at 20 CFR Part 617; the proposed rule published on November 30, 1988, at 53 Fed. Reg. 48474; GAL 7-88, and GAL 7-88, Changes 1 and 2; TEIN 6-88, and TEIN 6-88, Change 1; and GAL 6-88.

3. Background. General Administration Letter (GAL) No. 7-88 was issued to all State employment security agencies on September 12, 1988, and published in the Federal Register on September 16, 1988 (53 FR 36180); TEIN 6-88 which transmitted the GAL to other State officials on September 12, 1988, also was published in the

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Federal Register on September 16, 1988 (53 FR 36213). Change 1 to GAL 7-88 was issued on December 9, 1988, and published in the Federal Register on December 21, 1988 (53 FR 51522; corrected at 54 FR 502). Change 1 to TEIN 6-88 was issued on December 9, 1988, and also published in the Federal Register on December 21, 1988 (53 FR 51523; corrected at 54 FR 502). GAL 7-88, Change 2 (not published in the Federal Register), was issued on May 22, 1989.

GAL 7-88 and Changes 1 and 2 thereto, were rescinded by GAL 15-90, which was issued on August 21, 1990. GAL 15-90, and the preamble accompanying the publication of the GAL and this TEIN in the Federal Register furnish information concerning the provisions of part 3 of subtitle D of title I of the "Omnibus Trade and

Competitiveness Act of 1988" which affect the trade adjustment assistance program for workers (TAA Program) established under chapter 2 of title II of the Trade Act of 1974. With regard to each of those provisions of part 3 (affecting workers) of the 1988 Amendments, the GAL and preamble set forth revised operating instructions of the Department of Labor to guide the States in implementing those provisions, and include the Department's interpretation of the 1988 Amendments which affect the TAA Program.

In GAL 15-90, the Department announces material changes in the interpretations of the 1988 Amendments, primarily as the amendments relate to the application of the new eligibility period for basic TRA, but also as related to other provisions of the OTCA and the

Trade Act of 1974. The revised operating instructions in GAL 15-90 thus supersede the operating instructions in GAL 7-88 and GAL 7-88, Changes 1 and 2. GAL 7-88 and Changes 1 and 2 to GAL 7-88, are rescinded, as are TEIN 6-88 and Change 1 to TEIN 6-88.

As the operating instructions are also important in furnishing guidance to the State JTPA and Worker Adjustment Agencies and Wagner-Peyser Administering Agencies, GAL 15-90 is forwarded as an attachment to this Information Notice and shall constitute binding operating instructions for such administering and other cooperating State agencies.

4. Attachment. General Administration Letter No. 15-90.

BILLING CODE 4510-30-M



U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION
	TAA
	CORRESPONDENCE SYMBOL
	TWT
	DATE
	August 21, 1990

DIRECTIVE : GENERAL ADMINISTRATION LETTER NO. 15-90

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : *Donald J. Kunkin*  
Administrator  
for Regional Management

SUBJECT : Operating Instructions for Implementing the  
Omnibus Trade and Competitiveness Act of 1988  
Amendments to the Trade Adjustment Assistance  
Program, Including Significant Changes Affecting  
Basic and Additional TRA Entitlement

1. Purpose:

A. To rescind GAL 7-88 and Changes 1 and 2 to GAL 7-88 and reissue as a single document all operating instructions stemming from the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amendments to the Trade Adjustment Assistance (TAA) for Workers Program.

B. To inform the States and cooperating State agencies of new interpretations of the amendments to the TAA Program in the OTCA, and to furnish significantly revised (in parts) operating instructions that supersede the operating instructions previously furnished to the States and State agencies.

2. References. The "Omnibus Trade and Competitiveness Act of 1988" (Pub. L. 100-418), approved on August 23, 1988. The program of trade adjustment assistance for workers established by Chapter 2 of Title II of the Trade Act of 1974 is referred to as the "TAA Program". Chapter 2 of Title II of the Trade Act of 1974 may be referred to as the Trade Act of 1974 or as simply the Trade Act. The Omnibus Trade and Competitiveness Act of 1988 is referred to as the "OTCA". Part 3 of Subtitle D of Title I of the OTCA is referred to as "Part 3". The provisions of Part 3 affecting the TAA Program are referred to as the "1988 Amendments". Trade readjustment allowances are referred to as "TRA". All

RESCISSIONS	EXPIRATION DATE
GAL 7-88, and Changes 1 and 2 to GAL 7-88	December 31, 1991

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references to 20 CFR part 617 refer to the regulations in the Code of Federal Regulations, as amended by the regulations published on August 24, 1988, at 53 FR 32344. Also, section 13009(d) of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (Pub. L. 99-272); regulations at 20 CFR part 617; the proposed rule published on November 30, 1988, at 53 FR 48474; GAL 7-88, and GAL 7-88, Changes 1 and 2; TEIN 6-88, and TEIN 6-88, Change 1; GAL 6-88 (53 FR 35390); and UIPL 19-90. These references are used throughout this document.

General Administration Letter (GAL) No. 7-88 was issued to all State employment security agencies on September 12, 1988, and published in the *Federal Register* on September 16, 1988 (53 FR 36180); TEIN 6-88 which transmitted the GAL to other State officials on September 12, 1988, also was published in the *Federal Register* on September 16, 1988 (53 FR 36213). Change 1 to GAL 7-88 was issued on December 9, 1988, and published in the *Federal Register* on December 21, 1988 (53 FR 51522; corrected at 54 FR 502). Change 1 to TEIN 6-88 was issued on December 9, 1988, and also published in the *Federal Register* on December 21, 1988 (53 FR 51523; corrected at 54 FR 502). GAL 7-88, Change 2, was issued on May 22, 1989.

**3. Background.** This document furnishes information concerning the provisions of part 3 of subtitle D of title I of the "Omnibus Trade and Competitiveness Act of 1988" which affects the trade adjustment assistance (TAA) program for workers established under chapter 2 of title II of the Trade Act of 1974. With regard to each of those provisions of the 1988 Amendments, this document also sets forth operating instructions of the Department of Labor to guide the States in implementing those provisions, and which include the Department's interpretation of the 1988 Amendments which affect the TAA Program.

The provisions of part 3 supersede the prior provisions of the Trade Act, and the regulations implementing the TAA Program, to the extent that the provisions of part 3 are inconsistent with the Trade Act and the implementing regulations. Therefore, the provisions of part 3 must be given effect as of their respective effective dates as set forth in this document. In no case may any determinations of entitlement to TAA Program benefits that are affected by the 1988 Amendments be based upon the prior law or the regulations implementing the prior law. Note, however, that job search and

relocation allowances are not affected by the 1988 Amendments.

The operating instructions in this document (including attachments A and B) are issued to the States and the cooperating State agencies as guidance provided by the Department of Labor in its role as the principal in the TAA Program. As agents of the United States, the States and the cooperating State agencies may not vary from the operating instructions in this document (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor. Pending the issuance of final regulations implementing the provisions of part 3, therefore, after the date of this GAL, the operating instructions in this document (and any subsequent and supplemental operating instructions) shall constitute the controlling guidance for the States and the cooperating State agencies in implementing and administering the provisions of part 3 pursuant to the agreements between the States and the Secretary of Labor under section 239 of the Trade Act of 1974. The provisions of 20 CFR 617.52(c) shall apply regarding the carrying out of the operating instructions in this document and any subsequent or supplemental operating instructions, including GAL 6-88 and the prior operating instructions for the periods they were in effect.

Section 1430(a) of the OTCA provides that the 1988 Amendments in sections 1421 through 1429 of the OTCA shall take effect on the date of enactment of the OTCA (August 23, 1988), except as otherwise provided by section 1430. In conjunction with the development of final regulations implementing the 1988 Amendments, the Department has determined that the previously published interpretations of the effective date provisions in the proposed rule published on November 30, 1988, are in error. These erroneous interpretations are also contained in the operating instructions in GAL 7-88, and thus necessitates the issuance of revised operating instructions in this GAL (attachment A, sections A.2., E.4., F.1., and F.2.), which will also be published in the *Federal Register*.

The Department has also reconsidered its interpretation of section 233(f) of the Trade Act on counting days of breaks in training for the purpose of determining eligibility for trade readjustment allowances (TRA) during such breaks and is hereby issuing revised instructions for making such calculations. (Attachment A, section E.3.).

Except for the application of the Gramm-Rudman-Hollings 1986 sequester

reductions to retroactive TRA payments under section A.2. of attachment A (Oil and Gas Workers—Retroactive), the remaining subsections of section 4 of GAL 7-88 are reprinted in attachment A to this GAL without substantive change. However, errors in the operating instructions previously issued as GAL 7-88 and Changes 1 and 2 to GAL 7-88 have been corrected and other minor changes have been made for clarification.

Special note should be taken of the Cramm-Rudman-Hollings (G-R-H) sequester reductions applicable to TRA payments from Fiscal Year (FY) 1990 funds, as explained in guidance previously furnished to the States including UIPL 19-90. For weeks of unemployment beginning on or after October 1, 1989 and for the remainder of FY 1990, the weekly benefit amount of TRA payable to each worker is to be reduced for both current and new claims by the 1.4 percent G-R-H sequester reduction. After computing the reduction, the resulting weekly payment, if not a whole dollar amount, is to be rounded as provided in the applicable State law for rounding weekly payments of regular unemployment insurance (UI). Note, also, that the 1990 sequester reduction, as distinguished from the 1986 sequester reduction, also applies to worker's TRA maximum benefit amount (MBA).

In addition, GAL 7-88 made no mention of the 1986 G-R-H sequester reduction of 4.3 percent applicable to retroactive TRA payments to oil and gas workers under section 1421(a)(1)(B) of the OTCA. In this GAL, this omission is corrected and, further, it is made clear that the 1986 sequester reduction is applicable as well to any other workers who may in the future become entitled to retroactive TRA payments as a result of the new interpretations announced in this GAL.

**a. New interpretations of sections 1430 (a) and (g) of the OTCA.** In this GAL, the Department announces material changes in the interpretations of the 1988 Amendments, primarily as the amendments relate to the application of the new eligibility period for basic TRA but also as related to other provisions of the OTCA and the Trade Act of 1974.

The Department's new interpretations center on the effective date provisions of subsections (a) and (g) of section 1430 of the OTCA. Section 1430(a) provides that the amendments in sections 1421 through 1429 of the OTCA shall take effect on the date of enactment of the OTCA, except as otherwise provided by section 1430. In the case of the new



eligibility period for basic TRA in section 233(a)(2) of the Trade Act (as amended by section 1425(a) of the OTCA). Section 1430(a) is hereby interpreted to apply to all decisions (i.e., all determinations, redeterminations, and decisions on appeals) made on or after August 23, 1988.

Section 1430(g) provides that the amendment made by section 1425(a) of the OTCA (to section 233(a)(2) of the Act) shall not apply with respect to any total separation that occurred before August 23, 1988, if the application of the amendment with respect to such separation would reduce the eligibility period the worker to such separation would reduce the eligibility period the worker would have but for such amendment. Section 1430(g) is hereby interpreted literally as applying only to total separations that occurred before August 23, 1988, and the limitation in section 1430(g) thus applies only to such prior separations. It also means, therefore, that if the application of amended section 233(a)(2) to a total separation prior to August 23, 1988, would result in extending the worker's eligibility period, the amended section 233(a)(2) shall be applied.

This new interpretation of subsection (a) of section 1430 of the OTCA is supported by the analysis and construction placed on section 1430(g). Moreover, this interpretation is consistent with the general principle of law enunciated in the decision of the United States Supreme Court in the case of *Bradley v. School Board of the City of Richmond*, 416 U.S. 696 (1974). In that case the U.S.S.C. observed that—

\* \* \* A court is to apply the law in effect at the time it renders its decision, unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary.

This rule is hereafter referred to as the law-in-effect rule.

The Department accordingly has concluded that amended section 233(a)(2) should be applied to all decisions rendered on or after August 23, 1988, regardless of whether they involve initial determinations of TRA eligibility, redeterminations, or decisions on appeal. The Department has determined that, for purposes of the law-in-effect rule, the application of amended section 233(a)(2) to redeterminations or decisions on appeal will not result in "manifest injustice," because such application does not "infringe upon or deprive a person of a right that had [previously] matured or become unconditional." *Bradley*, at 720. See, also, *Bennett v. New Jersey*, 470

U.S. 632, 638-41 (1985) (explaining *Bradley*).

These new interpretations of sections 1430 (a) and (g), and the law-in-effect rule, shall be given effect as set forth below in section 4 and in attachments A and B of this GAL. As set forth below and in attachments A and B, the new interpretation of section 1430(a) and the law-in-effect rule also have application in cases in addition to the eligibility period for basic TRA.

b. *Revised interpretation on counting days of a break in training (section 233(f) of the Trade Act).* In GAL 7-88, and Change 1 to GAL 7-88, the Department interpreted section 233(f) to exclude certain holidays in counting the days of a break in training. It was unclear, however whether this count was intended to apply to both State and National holidays, and as a result many questions arose as to whether the announced interpretation was too narrowly focused. The Department has reconsidered and sets forth in section E.3 of attachment A and section 3 of attachment B of this GAL a change in regard to counting holidays for the purpose of determining whether a break in training exceeds 14 days within the meaning of section 233(f) of the Trade Act. In addition, as a condition of TRA eligibility during the break, the worker shall be required to participate in the training after the break ends. This will assure that the purpose of section 233(f) is carried out. Consequently, after the date of this GAL State agencies will apply the revised section E.3. of attachment A in all decisions under the provisions of section 233(f) of the Trade Act.

c. *New interpretation of the 210-day requirement published in GAL 7-88 and change 2 to GAL 7-88 (Section 233(b) of the Trade Act).* The Department's new interpretation of section 1430(a) and the law-in-effect rule have an effect on the 210-day requirement in section 233(b) of the Trade Act. There is a direct relationship between the basic TRA eligibility period and the time limitation in section 233(b) in order to qualify for additional TRA. Therefore, it is consistent to apply the new interpretation of sections 1430(a) and the law-in-effect rule as affecting the provisions of section 233(b) of the Trade Act. Consequently, after the date of this GAL State agencies will apply the revised section E.4. of attachment A in all decisions under provisions of section 233(b) of the Trade Act.

d. *Application of new interpretations.* A full explanation of the effects of the new interpretations in a., b., and c. above, and their application to individual cases, is set forth in the

following section 4. and attachments A and B of this GAL. Although the new interpretations relate back to the effective dates of the 1988 Amendments in the OTCA, the revised operating instructions in this GAL shall be applied in individual cases solely in decisions made after the date of this GAL. The term "decision" as used herein is defined in section 4., below. State authority and responsibility to make redeterminations, or seek remedial action in cases of appeal, is addressed in section 4. of this GAL.

The revised operating instructions in this GAL (including attachments A and B) supersede the operating instructions in GAL 7-88 and GAL 7-88, Changes 1 and 2.

4. *Determinations, redeterminations, and decisions on appeals.* Under the revised operating instructions in attachment A, all decisions on claims for TRA and other TAA program benefits are required to be based upon the law in effect at the time any such decision is made. For this purpose, the term "decision" means any determination or redetermination of a prior determination, as referred to in 20 CFR 617.50, or any decision by a referee, appeal board, or a State court on the appeal of a determination or redetermination, as referred to in 20 CFR 617.51.

Determinations shall be made in accordance with the applicable State law, the amended Trade Act of 1974 and the operating instructions and effective regulations issued by the Department, including 20 CFR 617.50 (a), (b), and (d), except that, as noted in Subsection d., below, determinations with respect to overpayments shall be made strictly in accordance with section 243 of the Trade Act and 20 CFR 617.55, rather than State law.

Redeterminations shall be made in accordance with the applicable State law, the amended Trade Act of 1974, and the operating instructions and effective regulations issued by the Department, including 20 CFR 617.50 (c) and (d). Paragraphs (e), (f), and (g) of 20 CFR 617.50 also apply to determinations and redeterminations of claims for TRA and other TAA program benefits, and all overpayment determinations. Decisions by referees, appeal boards, and State courts, on appeals of any such determination or redetermination, also are required to be in accord with the amended Trade Act of 1974 and the operating instructions and effective regulations issued by the Department, 20 CFR 617.51.

Also applicable is the "Lopez Rule" in 20 CFR 617.52(c).



All decisions (as defined above) on claims for TRA or other TAA program benefits, which are made by the State agencies and the State appellate authorities after the date of this GAL, shall conform to the operating instructions in this GAL, including attachments A and B. See section 5., below.

These rules on decisions made after the date of this GAL shall be applied as follows.

**a. Determinations.** Determinations of claims for TRA and other TAA program benefits shall continue to be made in the established manner, applying the applicable State law, where applicable, on procedural matters, and on substantive matters applying the amended Trade Act of 1974 and the controlling operating instructions and effective regulations issued by the Department, including paragraphs (a), (b), (d), (e), (f), and (g) of 20 CFR 617.50. However, determinations with respect to overpayments shall be made in accordance with section 243 of the Trade Act, 20 CFR 617.55, and subsection d. below, rather than State law.

**b. Redeterminations.** Redeterminations of claims for TRA and other TAA program benefits also shall continue to be made in the established manner, applying the applicable State law, where applicable, on procedural matters, and on substantive matters applying the amended Trade Act of 1974 and the controlling operating instructions and effective regulations issued by the Department, including paragraphs (c), (d), (e), (f), and (g) of 20 CFR 617.50. Any redetermination of a prior determination shall be undertaken by a State or State agency solely pursuant to the authority in 20 CFR 617.50(c) and the applicable State UI law as it is applied in the case of regular State UI. Such provisions of the State UI law shall be the sole criterion in determining whether the State or the State agency has the authority to make a redetermination in any case. For this purpose, the State UI law includes judicial decisions of the courts of the State in comparable UI cases as well as State statutory provisions, and thus is the same as the "State law" which is relevant for conformity and compliance purposes under title III of the Social Security Act and the Federal Unemployment Tax Act. In other words, the authority a State agency has under State law to make redeterminations of a State UI claim under similar circumstances (*i.e.*, upon issuance of a self-initiated reinterpretation of a State law), and the time limits on such

authority, is the authority a State agency has to make redeterminations of TAA claims due to the new interpretations contained in this GAL. No departure from these rules shall be undertaken in any circumstances without the prior approval of the Department of Labor.

In the case of any determination made on or after August 23, 1988, and on or before the date of this GAL, which was incorrectly decided under the operating instructions in GAL 7-88, or in Change 1 or 2 to GAL 7-88, or which was correctly decided under such operating instructions but a different result would have been required had the revised operating instructions in this GAL been in effect at the time, the State or State agency shall exercise such authority as it has under the applicable State UI law to undertake a redetermination of the claim. No redetermination shall be made on the agency's own motion if the determination that was made is correct under the revised operating instructions in this GAL.

The procedural requisites of the applicable State law and 20 CFR 617.50 shall be observed in undertaking and making any redetermination, including notice to the claimant that reconsideration is being undertaken and the issue(s) involved, and affording the claimant an opportunity to present evidence and be represented before the claims examiner. If, upon redetermination, it is decided that the worker was underpaid any TAA program benefit to which the claimant was entitled, appropriate corrective action shall be taken. Any overpayment shall be handled in the same manner as other overpayments are handled, as discussed below.

**c. Decisions on appeals.** In all cases pending on appeal before a referee, appeal board, or State court, after the date of this GAL, in which any issue is involved that is affected by the revised operating instructions in this GAL, action is required to be taken to conform to these revised operating instructions. Depending upon the appropriate processes of the State forum, such action may be to seek remand, rehearing, reargument, or other appropriate action. In any event, such action must be taken even though all hearings may have been held and the case submitted for a decision. If a decision is issued before the State is able to take action as required herein, the State shall seek a rehearing, or appeal further, or take other appropriate action, to assure adherence to the revised operating instructions in this GAL. Similarly, in cases in which decisions on appeal were issued on or

after August 23, 1988, and on or before the date of this GAL, action shall be taken which is appropriate under the State's processes, which may include further appeal, setting the decision aside and rearguing the case, or other action appropriate under the State's law and legal processes.

**d. Overpayments.** Determinations regarding overpayments, and the recovery thereof, shall continue to be handled strictly in accordance with section 243 of the Trade Act and 20 CFR 617.55. No provision of the State law shall apply to any aspect of overpayments of TAA, except as specifically provided in 20 CFR 617.55. Each State agency that makes redeterminations after the date of this GAL, with respect to which the 1988 Amendments are relevant, shall make all such determinations as are relevant, and take other appropriate action, consistent with procedural safeguards for claimants, to establish and recover any overpayments under section 243 of the Trade Act and 20 CFR 617.55.

Independent of any authority under the State law to undertake redeterminations of prior determinations, each State shall exercise the authority under section 243 and 20 CFR 617.55 to make overpayment determinations. At a minimum, such authority shall be exercised.

(1) In all cases in which the 1986 sequester reduction was not applied and in all cases decided incorrectly under the prior law and/or the operating instructions in GAL 7-88; and

(2) In all cases in which a redetermination made as a result of the revised operating instructions in this GAL also results in an overpayment.

**5. Action required.** States are required to implement the provisions of the 1988 Amendments as set forth in this document and its attachments and in any other guidance issued by the Department, as of the effective date of each such amendment as set forth in this document. States are advised to inform all appropriate staff:

**a.** Of the changes in this GAL, which replace the operating instructions published in GAL 7-88 and GAL 7-88, Changes 1 and 2.

**b.** That the State should review the authority it has under State law to redetermine or reconsider State UI claims and apply that authority to TRA/TAA claims under the same conditions that are applied to State UI claims, as set out in section 4.b. of this GAL.

**c.** That a State that determines it has the authority under State law to redetermine or reconsider any erroneous TRA/TAA decision, shall submit a



certification signed by the State's Attorney General or other authorized official (including the time period covered) to the Department, via the appropriate Regional Office.

d. That a State that determines it has the authority under State law to redetermine or reconsider any erroneous TRA/TAA decision, shall issue a notice in a newspaper of general circulation announcing the new interpretations in this GAL and the State's authority to issue redeterminations of TRA/TAA claims.

e. That appropriate action shall be taken, in accordance with the applicable State law, to re-examine all TAA program benefit decisions made on and after August 23, 1988, and to the extent authorized by the applicable State law redetermine all TAA claims with respect to which the decisions on the workers' eligibility are inconsistent with the revised operating instructions in this GAL, and take appropriate action to correct any real or potential underpayments and overpayments of TRA or other TAA program benefits.

f. That appropriate action shall be taken, in accordance with section 4.d. of this GAL, to establish and recover overpayments of TRA and other TAA program benefits. Determinations with respect to overpayments shall be made on the basis of section 243 and 20 CFR 617.55, and shall not be dependent on authority under State law to make redeterminations or subject to any time limits in State laws on making determinations or redeterminations.

g. That States re-examine all TRA decisions made on and after August 23, 1988, to determine if TRA payments made for weeks beginning on and after March 1, 1986 and before October 1, 1986 reflected the 4.3 percent G-R-H sequester. If the State finds that the 4.3 percent G-R-H sequester was not applied for the period of the 1986 sequester, the State must establish TRA overpayments for the weeks involved in accord with this GAL.

h. That appropriate action shall be taken, in accordance with the applicable State law and legal process, with respect to cases pending on appeal at any level, as set out in Section 4.c. of this GAL.

i. That the operating instructions in this GAL shall remain in effect after the date of this GAL and until the amended regulations are published in final or until superseded by further operating instructions, and shall constitute controlling guidance for the States and the cooperating State agencies as set out in section 3. of this GAL.

6. *Inquiries.* States are to direct all inquiries to the appropriate ETA Regional Office.

7. *Attachments.*

Attachment A: Trade Adjustment Assistance Interim Operating Instructions

Attachment B: Examples of Applying Operating Instructions Under Differing Scenarios

(1) Section 1: Application of Revised Operating Instructions in Section F.1. of Attachment A

(2) Section 2: Application of Revised Operating Instructions in Section F.2. of Attachment A

(3) Section 3: Application of Revised Operating Instructions in Section E.3. of Attachment A

(Previously forwarded under separate cover.) \*

Attachment C: Part 3—Trade Adjustment Assistance, of subtitle D of title I of the "Omnibus Trade and Competitiveness Act of 1988" (Pub. L. 100-418).

Attachment D: Chapter 2—Adjustment Assistance for Workers, in the Trade Act of 1974, Pub. L. 93-618, as amended, incorporating part 3 of subtitle D of title I of the Omnibus Trade and Competitiveness Act of 1988.

#### Attachment A to Gal 15-90: Trade Adjustment Assistance Interim Operating Instructions

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#### The 1988 Amendments to the Trade Act of 1974

On August 23, 1988, the President signed into law the "Omnibus Trade and Competitiveness Act of 1988". Part 3 of subtitle D of title I of the Act concerns trade adjustment assistance for workers and firms. This document relates only to those provisions of part 3 affecting the TAA Program for workers. Most of the provisions of part 3 affecting the TAA Program for workers are in the form of amendments to chapter 2 of title II of the Trade Act of 1974, and while some of the provisions of part 3 are not in the form of amendments to the Trade Act of 1974, they nonetheless must be given effect according to their intent as affecting the TAA Program.

*The 1988 amendments—operating instructions.* The 1988 Amendments are set out in this attachment A in the order of the section number of the Trade Act of 1974 affected by each of the amendments, together with an explanation of each amendment, the effective date of each amendment, the regulations principally affected by each amendment, and additional instructions on the administration of each amendment. Examples of applying the operating instructions in sections E.3., F.1., and F.2. under differing scenarios are set out in attachment B.

*New Interpretations and Operating Instructions for Implementing the 1988 Amendments.* Section 1430(a) of the OTCA is interpreted as applying, where applicable, in regard to all decisions (as defined below) which are made on or after August 23, 1988. The revised operating instructions in this GAL shall be applied in any such decision which is made after the date of this GAL, as described in section 3. of this GAL.

Section 1430(g) of the OTCA is interpreted as applying to total separations that occurred before August 23, 1988, and as not applying to any total separation that occurred on or after August 23, 1988, as described in section 3. of this GAL. This is a statutory direction to not apply the amended section 233(a)(2), in regard to a total

\* Not published in the Federal Register.



separation which occurred before August 23, 1988, if doing so would result in shortening a worker's basic TRA eligibility period. There are two corollaries to this clear statutory direction. First, amended section 233(a)(2) shall apply to a separation which occurred before August 23, 1988, if the application of the amendment would result in lengthening the worker's eligibility period for basic TRA. Second, amended section 233(a)(2) shall apply to a separation which occurred or occurs on or after August 23, 1988, and section 1430(g) shall not apply, by its terms, in such a case even if the application of the amended section 233(a)(2) results in shortening the eligibility period of a worker that was based on a first qualifying separation which occurred before August 23, 1988.

In giving effect to these new interpretations, under the law-in-effect rule described in section 3. of this GAL, the law to be applied in making any decision is the law as in effect on the date any such decision is made. The law to be applied in regard to the 1988 Amendments is the law as set forth in this GAL.

The new interpretations stated above (and in subsections a., b., and c. of section 3. of this GAL) supersede the interpretations on this subject which are contained in the operating instructions in GAL 7-88 and GAL 7-88, Changes 1 and 2.

The revised operating instructions in this GAL shall apply with respect to any decision on a claim that is made after the date of this GAL, as set forth in this attachment A, in attachment B, and in section 4. of this GAL. As used in this paragraph and in the preceding paragraphs of this attachment A the term "decision" means any determination or redetermination of a prior determination (as referred to in 20 CFR 617.50), and any decision on the appeal of any such determination or redetermination (as referred to in 20 CFR 617.51), and which are collectively referred to throughout this GAL (and attachments A and B) as decisions or as determinations, redeterminations, and decisions on appeals.

To implement these new interpretations and another change of interpretation regarding section 233(f) of the Trade Act, revised operating instructions are issued in the following Sections of this attachment A:

- A.2.—Section 1421(a)(1)(B) of the OTCA,
- E.3.—Section 233(f) of the Trade Act,
- E.4.—Section 233(b) of the Trade Act,
- F.1.—Section 233(a)(2) of the Trade Act,
- and
- F.2.—Section 1425(b) of the OTCA.

All operating instructions in other sections of this attachment A are the same as those previously issued in GAL 7-88, as changed in Changes 1 and 2 to GAL 7-88. However, without making any substantive change in such Sections, other changes are made to correct errors and for clarification.

It has been decided that sections C., D., E.2., and G.5. properly implemented the 1988 Amendments and are not changed in this GAL. All of these subsections of section 4. of GAL 7-88 or GAL 7-88, Change 1 relate to the amendments to sections 231(a)(5), 231(b), and 231(c) of the Trade Act (except for an unrelated technical amendment to section 232 of the Trade Act which is mentioned in subsection D), and under section 1430(f) of the OTCA, the amendments relating to these sections shall take effect 90 days after enactment, i.e., on November 21, 1988. Although the effective date of these amendments is delayed, the effective date language of section 1430(f) is the same as the effective date language of section 1430(a). In view of this similarity of language, the new interpretations apply only to decisions made on and after November 21, 1988, under the law-in-effect rule at the time the decisions are made.

Effective November 21, 1988, workers must, as a condition of TRA eligibility, be enrolled in or have completed approved training (or have the requirement waived). However, training properly approved prior to August 23, 1988 under the law in effect at that time need not be "re-approved" under the law as amended on August 23, 1988. What this means is that workers in training approved before August 23, 1988, would not be required to have the training re-approved under amended section 236(a)(1) in order to continue to qualify for TRA (and training benefits) after November 21, 1988. For this reason, no change is made in sections C., D., E.2., or G.5. in this GAL.

Accordingly, sections A.2., E.3., E.4., F.1., and F.2. previously issued with the same designations as subsections of section 4. of GAL 7-88 and GAL 7-88, Change 2 are revised substantively as set forth in the operating instructions below. There are no substantive changes in other Sections.

#### A. Section 222—Group Eligibility Requirements

##### A.1. Oil and Gas Workers—Prospective

*Amended Law:* Section 1421(a)(1)(A) of the OTCA amends section 222 of the Trade Act to add certain oil and gas workers to the groups of workers potentially eligible for program benefits

under the TAA Program. This is accomplished by adding new subsection (b) to section 222, which provides that any firm or subdivision of a firm that "engages in exploration or drilling for oil or natural gas" shall be considered to be a firm producing oil or natural gas, and shall be considered to be producing articles "directly competitive with imports of oil and with imports of natural gas." The definition of the term "contributed importantly" is not changed in this amendment.

This amendment became effective on August 23, 1988. It is a permanent change in the Trade Act having prospective effect, and it affects the regulations at 29 CFR part 90.

*Administration:* As this amendment pertains to the certification process, rather than program benefits, the principal impact will be on the Department of Labor rather than the States. The incidental impact on the States will be in carrying out the information, assistance, and notification requirements of section 225 of the Trade Act, as amended in 1981 and as further amended by section 1422 of the OTCA, and the provisions of amended section 239(f) of the Trade Act.

Interpretation of the amendment to section 222 will be addressed in the amendments to the regulations at 29 CFR part 90 and in other operating instructions issued by the Department of Labor.

##### A.2. Oil and Gas Workers—Retroactive

*Amended Law:* Section 1421(a)(1)(B) of the OTCA provides, without amending the Trade Act, that the amendment with respect to oil and gas workers made by section 1421(a)(1)(A) shall apply to oil and gas workers separated after September 30, 1985, if such workers are covered by a certification issued under section 223 that would not have been issued but for the amendment in section 1421(a)(1)(A), and if such certification was issued with respect to a petition which was filed with the Department of Labor and received in the Office of Trade Adjustment Assistance, Employment and Training Administration, 601 "D" Street NW., room 6434, Washington, DC 20213, by COB on November 18, 1988.

The retroactive feature of section 1421(a)(1)(B) relates to payment of basic TRA for the retroactive period, and it is expressly provided that payments shall be made "Notwithstanding section 223(b) of the Trade Act of 1974, or any other provision of law." Section 223(b) refers to the impact date, which is set aside by this provision. The reference to "any other provision of law" clearly



includes the 60-days preclusion in section 231(a), because otherwise the workers could not qualify for retroactive payments. However, it does not include the application of section 13009(d) of the COBRA to reduce retroactive TRA payments by the 4.3 percent G-R-H sequester for weeks beginning on and after March 1, 1986 and before the October 1, 1986, and the 4.3 percent reduction shall be made with respect to any TRA payment for any such week.

**Note:** Any retroactive TRA payment made at any time for any such week shall be reduced by the 1986 G-R-H sequester as provided in guidance previously furnished to the States. While the sequester reduction shall be made to any weekly payment, the claimant's TRA/MBA shall not be reduced because of such sequester reduction. For any week beginning in FY 1990, the 1.4 percent sequester reduction shall be applied to both the claimant's WBA and MBA.

Other provisions of the Trade Act will continue to apply, such as the certification period of section 231(a)(1), as modified by section 1421(a)(1)(B); the qualifying employment and wage requirements of section 231(a)(2); the unemployment insurance eligibility and exhaustion requirements of section 231(a)(3); the weekly benefit amount and disqualifying income provisions of section 232; the computation of the maximum payable as provided in section 233(a)(1); and the eligibility period for payment of basic TRA as provided in amended section 233(a)(2); as such provisions are in effect on the date any decision is made on a claim filed under section 1421(a)(1)(B).

On the other hand, the extended benefit (EB) work test in section 231(a)(4) and the job search program (or new training) requirement in section 231(a)(5) may not be applied retroactively, and therefore may be applied to a worker only with respect to weeks which begin after the individual files an initial application for TAA program benefits, and the individual is informed that he/she is covered by a certification, and is fully informed of the requirements of such sections.

Furthermore, the basic TRA eligibility period for any worker filing a valid claim under section 1421(a)(1)(B) shall be based upon amended section 233(a)(2), except that with respect to a "first qualifying separation" before August 23, 1988, the worker's eligibility period shall be based upon the prior law for the reasons explained below in revised section F.1. Also, for this purpose, the worker's "first qualifying separation" shall be the first such separation after September 30, 1985 which is covered by the applicable certification, without regard to whether

the worker has experienced any prior separation. Section 1430(g) shall be applicable to any subsequent total qualifying separation of workers filing claims under section 1421(a)(1)(B), on the same terms and conditions as set out below in revised section F.1.

The foregoing changes became effective for the purposes of section 1421(a)(1)(B) with regard to all decisions (i.e., determinations, redeterminations, and decisions on appeals) which are made on or after August 23, 1988, except in regard to a "first qualifying separation" as set out above.

Effect shall be given to the operating instructions in this revised section A.2. in regard to any decision (as defined above) which is made after the date of this GAL. In regard to the exercise of a State's or a State agency's authority under the State's UI law to redetermine TAA cases, or seek remedial action in appealed cases, see section 4 of this GAL, on Determinations, Redeterminations, and Decisions on Appeals.

Section 1421(a)(1)(B), interpreted as set forth above, affects the regulations at 29 CFR part 90 and 20 CFR part 617.

**Administration:** Section 1421(a)(1)(B) became effective on August 23, 1988, and petitions thereunder must have been received by the Office of Trade Adjustment Assistance by COB on November 18, 1988. It is retroactive in effect, applying to workers separated after September 30, 1985, and will have prospective effect for any worker whose eligibility period for basic TRA extends past August 23, 1988 (the date of enactment of the OTCA).

GAL NO. 6-88, entitled: "Trade Adjustment Assistance—Workers of Firms in the Oil and Gas Industry Engaged in Exploration and Drilling, Separated From Employment After September 30, 1985, May File Petitions Under New Eligibility Rules", issued on August 23, 1988, provides instructions on filing petitions under section 1421(a)(1)(B), and is not affected by the operating instructions in Section 4.A.2. of GAL 7-88 or this revised section A.2. GAL 6-88 was published in the *Federal Register* on September 13, 1988, at 53 FR 35390.

The States will be directly involved in administering section 1421(a)(1)(B) as it affects TAA program benefits, and in carrying out the information, assistance and notification requirements of section 225, as amended in 1981 and as further amended by section 1422 of the OTCA, and the advice and assistance provisions of amended section 239(f) of the Trade Act. All decisions which are made by the State agencies under section 1421(a)(1)(B) after the date of

this GAL shall conform to the operating instructions in this revised section A.2.

Payments of retroactive TRA for weeks beginning on and after March 1, 1986 and before October 1, 1986 are to be reduced by the G-R-H sequester of 4.3 percent. State agencies shall reduce the worker's weekly TRA amount by 4.3 percent for weeks beginning during the 6-month sequester period. Operating instructions provided to the States for implementing the 1986 G-R-H sequester provided that during the period of this sequester the worker's TRA maximum amount will not be reduced except on a week-by-week basis and then only by the actual amount of the weekly TRA payment after the 4.3 percent reduction (and any other reductions). When the balance remaining in the worker's TRA maximum amount is less than the full weekly TRA amount payable, the 4.3 percent reduction will be applied to the remaining balance.

The G-R-H sequester for weeks of unemployment beginning on or after October 1, 1989, and for the remainder of FY 1990 is 1.4 percent. During this period, the weekly benefit amount of TRA payable to each worker shall be reduced by the 1.4 percent G-R-H sequester reduction. The worker's TRA maximum benefit amount during the FY 1990 G-R-H sequester period is reduced by the total TRA weekly benefit amount without regard to the 1.4 percent G-R-H sequestration. An example of the G-R-H sequestration applicable to weeks beginning in FY 1990 is:

Worker's TRA weekly benefit amount	
1.4% G-R-H reduction	\$100.00
Reduced weekly amount	1.40
Weekly reduction to maximum benefit amount	*98.60
	100.00

\*Rounded to a whole dollar amount as provided by the applicable State law.

**Note:** Retroactive TRA payments which have been paid to oil and gas workers by the State agencies for weeks beginning on and after March 1, 1986 and before October 1, 1986, and which were not reduced by the G-R-H 4.3 percent sequester, are TRA overpayments. State agencies must issue overpayment determinations under section 243 of the Trade Act and 20 CFR 617.55 with respect to these TRA overpayments.

### A.3. Application to All Industries

**Amended Law:** Section 1421(b) of the OTCA amends section 222 of the Trade Act to extend eligibility for TAA to workers with independent firms that provide "essential goods or essential services" to firms adversely affected by imports. Under section 1430(d) of the OTCA this amendment does not take effect until one year after the import fee takes effect.



**Administration:** Administration of this amendment is not addressed in this document, and will be addressed in separate guidance or in the amendments to the regulations at 29 CFR part 90, should the import fee take effect.

#### B. Section 225—Benefit Information to Workers

##### B. Benefit Information

**Amended Law:** Section 1422 of the OTCA amends section 225 of the Trade Act to add a new subsection (b). Under new subsection (b), written notice by mail is required to be given to each worker there is reason to believe is covered by a certification, and notice is required to be published in newspapers of general circulation in the areas in which workers covered by a certification reside. Such notices are required to inform workers of the TAA Program benefits available to them.

This amendment became effective as a requirement on September 22, 1988, and is applicable in the case of all certifications issued on and after that date. A State may apply this amendment to certifications issued prior to the effective date of the amendment. This notification and publication requirement is in addition to the assistance and information requirements under section 225, as set forth in the present regulations at 20 CFR part 617, and therefore affects the regulations to this extent.

While this amendment to section 225 is effective on September 22, 1988, and will be implemented by the States, notice also that the amendment to subsection (f) of section 239 is effective on August 23, 1988, and requires the States to furnish much more detailed information to workers.

**Administration:** Upon receipt of an official notice from the Regional Office of a certification of eligibility for TAA issued by the Department for a worker group in the State, the State agency will satisfy these notification requirements by:

**Individual notice:** Obtaining from the firm, or other reliable source, the names and addresses of all workers who were partially or totally separated from adversely affected employment before the certification, and workers who are thereafter partially or totally separated within the certification period. The State agency shall mail a written notice to each such worker of the benefits available under the TAA Program. A preprinted leaflet containing the information described below in d. and e. may be enclosed with the notice to the worker. The notice must include the following kinds of information:

a. Article(s) produced and worker group covered by the certification.

b. Name and the address or location of workers' firm.

c. Impact, certification, and expiration dates in the certification document.

d. Benefits and reemployment services available to eligible workers.

e. Explanation of how workers apply for TAA benefits and services.

f. Whom to call to get additional information on the certification.

g. When and where the worker should come to the local office to apply for benefits and services.

**Newspaper notice:** Publishing a notice of the certification in a newspaper of general circulation in the area where workers covered under the certification reside. The published notice must include the following kinds of information:

a. Article(s) produced and worker group covered by the certification.

b. Name and the address or location of workers' firm.

c. Impact, certification, and expiration dates in the certification document.

d. Benefits and reemployment services available to eligible workers.

e. Explanation of how and where workers apply for TAA benefits and services.

States are also encouraged to issue press releases to the print and broadcast media on certifications issued by the Department which include the above kinds of information.

#### C. Section 231—Qualifying Requirements for Workers

##### C.1. Participation in Training Program Required

**Amended Law:** Section 1423(a)(1) of the OTCA amends paragraph (5) of section 231(a) of the Trade Act to require, as a new eligibility requirement for receipt of basic TRA, that a worker be enrolled in a training program approved under section 236(a), or have completed a training program approved under section 236(a), after a separation qualifying under section 231(a)(1), or have received a written certification of a finding that it is not "feasible or appropriate" to approve training under section 236(a) for that worker.

This amendment is effective on November 21, 1988, under section 1430(f) of the OTCA, and will apply to workers in TRA eligibility periods at that time and thereafter. The 90-day delay in effective date gives the States and workers time to prepare to meet this new requirement. Thereafter, under subsection (b)(2) (as amended by section 1423(a)(2) of the OTCA), the training requirement of new section 231(a)(5) shall not apply with respect to any week of unemployment that begins more than 60 days after the filing date of the petition which resulted in the certification, and before the first week

following the week in which the certification is issued.

This amendment substitutes for the job search program requirement contained in section 231(a)(5), but the job search program requirement remains in effect as the section 231(a)(5) requirement until the day before the new training requirement takes effect on November 21, 1988.

This amendment affects the regulations at 20 CFR part 617.

**Administration:** Workers are required to be enrolled in a training program, have completed a training program approved or approvable under section 236(a), or have received a written certification waiving the training requirement in order to receive TRA payments. The training requirement may be waived under amended section 231(c)(1) by certification in writing on an individual basis if the State agency determines that training is not feasible or appropriate for the worker.

This requirement is applicable to individuals who are otherwise eligible for basic TRA on or after November 21, 1988. State agencies shall take actions necessary to insure that all individuals who are in TRA eligibility periods that will extend past November 21, 1988 are notified in writing of the new qualifying requirement immediately so they will have a reasonable opportunity to satisfy the requirement.

Workers in approved training on November 21, 1988, will not be affected by this amendment, whether the training was approved before or after August 23, 1988. However the workers will have to meet the participation requirement of section 231(b) on and after November 21, 1988.

For purposes of this section, the following definitions shall apply:

**Enrolled in training.** A worker shall be considered to be enrolled in training when the worker's application for training is approved by the State agency and the training institution has furnished written notice to the State agency that the worker has been accepted in the approved training program beginning within 30 calendar days. (A waiver under amended section 231(c) is not required for an individual who is enrolled in training as defined herein.)

**Completed training.** A worker shall be considered to have completed a training program if the training program was approved, or was approvable and is approved under section 236(a) of the Trade Act, the training occurred subsequent to the individual's total or partial separation (as defined in the Trade Act and 20 CFR part 617), and the training provider has certified that all the conditions for satisfactory completion of the training program have been satisfied.



*Job search program.* Amended section 231(a)(5) deletes the requirement that workers participate in a job search program, where reasonably available, as a condition for receiving TRA. This provision remains in effect through November 20, 1988. However, because of the demonstrated value of job search workshops and job finding clubs in helping dislocated workers return to suitable employment, States are encouraged to continue to refer trade impacted workers, who do not participate in an approved training program, or who have completed a training program, to such activities.

## C.2. Participation in Training Program

*Amended Law:* Section 1423(a)(2) of the OTCA amends subsection (b) of section 231 of the Trade Act, relating to participation in training as required by section 231(a)(5) (discussed in the preceding item). Under new subsection (b)(1), if it is determined that a worker has, without justifiable cause, failed to begin participation in a training program, the enrollment in which meets the requirement of new section 231(a)(5), or that the worker has ceased to participate in such training program before completing it, or if it is determined that a written certification given to the worker under new subsection (c) (as amended by section 1423(a)(3) of the OTCA and discussed below) is revoked, then, in any one of these cases, no TRA may be paid to the worker beginning with the week in which such failure, cessation, or revocation occurred and continuing until the worker "begins or resumes participation in a training program approved under section 236(a)."

Under new subsection (b)(2), the provisions of subsection (b)(1) shall not apply with respect to any week of unemployment that begins more than 60 days after the filing date of the petition which resulted in the certification, and before the first week following the week in which the certification is issued.

This amendment is effective on November 21, 1988, as is the amendment to section 231(a)(5) discussed in the preceding item and the amendment to section 231(c) discussed in the immediately following item. This amendment also will apply to workers in TRA eligibility periods on its effective date, and to workers in approved training on such effective date. The 90-day delay in effective date gives the States and workers time to prepare to meet this new requirement. Because subsection (b), as in effect prior to this amendment, was not given effect in the regulations, in this respect the amendment has no effect on the

regulations. However, as this amendment relates to the new training requirement in section 231(a)(5), it does affect the regulations as stated in the preceding item, although the regulations on the job search program requirement will remain effective until the day before this amendment and the new training requirement of section 231(a)(5) take effect on November 21, 1988.

*Administration:* Notice that under subsection (b)(2) the provisions of subsection (b)(1) shall not be applied to an individual worker with respect to any unemployment that begins more than 60 days after the filing date of the petition which resulted in the certification covering the worker, and before the first week following the week in which such certification is issued. Because of this very short period between issuance of a certification and giving effect to subsection (b)(1) and section 231(a)(5), it is highly unlikely that the States will be able to make timely determinations of coverage and approval of training, or that workers will be able to enroll in training in such a short time. In view of this, the States may be required to issue subsection (c) certifications pending the making of arrangements for the provision of training, and enrolling the workers in the training. Refer to the discussion of certifications in the following item.

In making determinations under subsection (b), the following definitions shall be used:

*Failed to begin participation.* A worker shall be determined to have failed to begin participation in a training program when the worker fails to attend all scheduled training classes and other training activities in the first week of the training program, without justifiable cause.

*Ceased participation.* A worker shall be determined to have ceased participation in a training program when the worker fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program, without justifiable cause.

*Justifiable cause.* Justifiable cause means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program.

## C. 3. Certifications Waiving Workers' Participation in Training

*Amended Law:* Section 1423(a)(3) of the OTCA amends subsection (c) of section 231 of the Trade Act, relating to participation in training as required by sections 231(a)(5) and 231(b) (as discussed in the preceding two items).

Under new subsection (c), upon a finding being made that "it is not feasible or appropriate" to approve a training program for a worker under section 236(a), the worker must be furnished "a written statement certifying such finding." Under subsection (c)(1)(B), when a State issued such a written statement to a worker, it is required to "submit to the Secretary a written statement certifying such finding and the reasons for such finding." Subsection (c)(2) provides for revoking a certification is a written statement submitted to the worker and the Secretary. Subsection (c)(3) requires annual reports to Congress on numbers of certifications issued and revocations of certifications.

This amendment is effective on November 21, 1988, as are the amendments discussed in the two preceding items, and affects the regulations at 20 CFR part 617. This amendment also will apply to workers in TRA eligibility periods on its effective date and thereafter. The 90-day delay in effective date gives the States and workers time to implement subsection (c) in connection with the new requirements of section 231(a)(5) and 231(b).

*Administration:* On November 21, 1988, all individuals in TRA eligibility status must either be enrolled in a training program or have completed a training program approved under section 236(a) in order to continue to receive TRA payments. The new requirement may be waived under amended section 231(c)(1) by certification in writing on an individual basis, if the State agency determines that training is not feasible or appropriate.

*The Department's policy is to issue waivers of the training requirement on a limited basis when training is not feasible or appropriate under the following conditions:*

When a State agency makes a determination that the training requirement will be waived for an individual then the State agency must issue a written certification to the individual of such a finding.

a. A formal written certification must be provided to each affected worker. At a minimum, the certification shall contain the following information:

- (1) Name and social security number of the worker.
- (2) Petition number under which the worker was certified.
- (3) Effective date of the certification, and the impact and termination dates, where appropriate.
- (4) Statement that training is not feasible or appropriate and the reason for the finding.



Any other conditions the State agency deems appropriate in informing the worker.

(5) Signature block for appropriate State official.

(6) Signature block for worker's acknowledgement of receipt.

b. State agencies must develop a procedure for reviewing regularly a certification of waiver of training issued to a worker to ascertain that the conditions upon which the waiver was granted continue to exist or have been changed in which case the certification may be revoked.

State agencies may incorporate a revocation section in the certification of waiver form or a separate written statement. Similar information as listed in the certification should be provided to the worker when revoking the certification.

c. State agencies must develop procedures for compiling the number of certifications issued and revoked, by reason. (The Department is required to report annually to the Congress on the number of certifications issued and revoked. The Department will develop reporting requirements and issue instructions to State agencies.)

d. State agencies are not required to forward copies of individual waivers to the Department. The Department will review a random sample of waivers issued by the State agencies during regular ETA reviews of TAA program administration.

With regard to certifications under subsection (c)(1), the key words are whether it is "feasible or appropriate" to approve training for a worker. The word "feasible" refers to whether the object is capable of being done or carried out.

As used in section 231 for purposes of training approval under the criteria of section 236(a), "feasible" means simply whether there is any training available at that time which meets all the criteria of section 236(a)(1), whether the worker is so situated as to be able to take full advantage of the training opportunity and complete the training, and whether funding is available to pay the full costs of the training, including any transportation and subsistence expenses which are compensable. Funding includes not only TAA program funds but also funds under JTPA, JTPA title III (worker adjustment program) and other Federal, State and private sources.

The word "appropriate" carries the more expensive meaning of being especially suitable or compatible, fitting, or proper. Therefore, "appropriate" refers to suitability of the training for the worker (including whether there is a reasonable prospect which is reasonably foreseeable that the worker will be reemployed by the firm from which separated) and compatibility of the training for the purposes of the TAA Program. In these respects, suitability of training for the worker is encompassed within the several criteria in section 236(a)(1), and compatibility with the program is settled by the various

provisions of section 236 which describe the various types of training approvable under section 236 and the limitations thereon.

Accordingly, whether training is "feasible or appropriate" at any given time is determined by finding whether, at that time, training suitable for the worker is available, the training is training which is approvable under section 236 including the criteria in section 236(a)(1), the worker is so situated as to be able to take full advantage of the training and complete the training, full funding for the training is available, and the training will commence within 30 days of approval.

Following is a list of reasons why training may be considered not feasible or appropriate.

Not feasible because—

(A) The beginning date of approved training is beyond 30 days, as required in the definition for "Enrolled in training".

(B) Training is not reasonably available to the individual.

(C) Training is not available at a reasonable cost.

(D) Funds are not available to pay the total costs of training.

(E) Other (explain).

Not appropriate because—

(A) The firm from which the individual was separated plans to recall the individual within the reasonably foreseeable future (State agencies must verify planned recalls with the employer).

(B) The duration of training suitable for the individual exceeds the individual's maximum entitlement to basic and additional TRA payments.

(C) The individual possesses skills for "suitable employment" and there is reasonable expectation of employment in the foreseeable future.

(D) Other (explain).

This amendment substitutes for a similar provision relating to the job search program requirement and the provisions of subsection (c) remain in effect until the amendment discussed in this item and the two preceding items take effect on November 21, 1988. This amendment affects the regulations at 20 CFR part 617, although the regulations on the job search program requirement which implement section 231 (a)(5) and (c) will remain in effect until the day before the amendments to section 231 (a)(5), (b), and (c) take effect on November 21, 1988.

*D. Section 232—Weekly Amounts of TRA*

*D. Weekly Amounts of TRA*

*Amended Law:* Section 1423(b) of the OTCA amends subsections (b) and (c) of section 232 of the Trade Act, but no change is made in the computation of the weekly amount of TRA payable. The

weekly amount will continue to be based upon the first exhaustion of UI as it was set in the 1981 Amendments and is reflected in the regulations at 20 CFR part 617.

Subsection (b) of section 232 is amended by striking out, "including on-the-job training." (OJT). This is a technical change, to conform to section 233(e) which prohibits payment of TRA to workers in OJT. This technical change is effective on August 23, 1988.

Subsection (c) of section 232 is amended by striking out references to sections 231(c) and 236(c), and substituting a reference to section 231(b). This is a conforming change related to other amendments to the Trade Act in the OTCA. This amendment is effective on November 21, 1988, as are the amendments to section 231 to which it relates and which are discussed above. As in the case of the amendments to section 231, this amendment also will affect the regulations at 20 CFR part 617.

*Administration:* State agencies should examine TRA payment procedures to ensure that such procedures conform to the requirement prohibiting TRA payments when the worker is participating in OJT.

Section 232(c) of the Trade Act is amended by deleting references to sections 231(c) and 236(c), and substituting references to the amended training requirements imposed under amended section 231(b) of the Trade Act for TRA eligibility. The amendment to subsection (c) of section 232 is effective on November 21, 1988, as are the amended training requirements under section 231 to which it relates and, as indicated, are discussed above.

*E. Section 233—Limitations on Trade Readjustment Allowances*

Section 1423(c) of the OTCA includes three amendments to section 233 of the Trade Act, and adds a new section 246 on the subject of "Supplemental Wage Allowance Demonstration Projects." Section 246 does not affect the regulations at 20 CFR part 617 or 29 CFR part 90, and will be addressed in other guidance issued by the Department.

*E.1. Eligibility Period for Additional TRA*

*Amended Law:* Section 1423(c)(1) of the OTCA amends subsection (a)(3)(B) of section 233 by striking out "is approved" and inserting the word "begins" in place thereof. This is essentially a technical change, but it corrects a problem in the prior law which, read and construed literally, required training to be approved after



exhaustion of basic TRA. This amendment became effective on August 23, 1988, and affects the regulations at 20 CFR part 617.

**Administration:** The change in section 233(a)(3)(B) corrects a technical error which required the worker's application for training to be approved before the worker exhausted eligibility for basic TRA. This presented an interpretation problem that is now resolved by this amendment. Therefore, with this amendment the 26-week eligibility period for additional TRA begins with the first week of training, if the training begins after exhaustion of basic TRA. No change in practice is required, however, as the same result had been achieved through interpretation.

#### E.2. Conforming Amendment

**Amended Law:** Section 1423(c)(2) of the OTCA amends the last sentence of subsection (a)(3) of section 233 by striking a reference to section 236(c) (relating to the satisfactory progress provision now contained in amended section 231(b) which is discussed above), and by striking "engaged in such training" and inserting "participating in such training" in place thereof. The latter change is not essentially substantive, but conforms usage to the words used in amended section 231(b) which is discussed above. This amendment is effective on November 21, 1988, as are the amendments to section 231 to which it relates and which are discussed above. This amendment, in and of itself, has little effect on the regulations at 20 CFR part 617.

**Administration:** The requirements for participation in training are covered in the discussions above of the amendments to section 231.

#### E.3. Payment of TRA During Breaks in Training

**Amended Law:** Section 1423(c)(3) of the OTCA adds a new subsection (f) to section 233. New subsection (f) provides for the payment of basic and additional TRA "during any week which is part of a break in training" provided three conditions are met: (a) The break in training does not exceed 14 days; (b) the worker was participating in the training before the beginning of the break; and (c) the break is provided for in the published schedule of the training program. In addition, as a condition of TRA eligibility during the break, the worker shall be required to participate in the training after the break ends. This will assure that the purpose of section 233(f) is carried out.

This is a significant change in the law. Previously, under section 233(a)(3), the worker had to actually be "engaged in"

training in a week to be entitled to a payment of additional TRA for the week. Under new subsection (f), a worker will continue to receive basic and additional TRA during breaks in training (up to the maximum entitlement of each worker), but only if the scheduled break is not longer than 14 days, and the other conditions stated above are met. In addition, the wording of subsection (f) makes it clearly applicable to basic TRA as well as additional TRA.

In GAL 7-88 and Change 1 to GAL 7-88, the Department interpreted section 233(f) as excluding certain weekend days and holidays in counting the days of a break in training. However, upon reconsideration it has been decided that section 233(f) was interpreted too narrowly and that all officially recognized National and State holidays should be excluded in counting the days of a break in training, to the extent that training in the training program would not normally be scheduled on such days if they did not occur during the break. The critical point in counting the days of a break in training is whether the day on which the weekend day or holiday falls would ordinarily be a scheduled training day in the training program. Official National and State holidays are to be treated the same. Therefore, weekend days and National or State recognized holidays shall be excluded in counting the days of a break, if training would not normally be scheduled on any such day.

Section 233(f) is effective with regard to all decisions (i.e., all determinations, redeterminations, and decisions on appeals) made on or after August 23, 1988, regardless of when the training was approved under section 236 of the Trade Act, or whether the training was approved or is approvable under section 236 as amended by the 1988 Amendments, or when the break in training began or ended. In making any such decisions, the law to be applied is the law as in effect on the date the decision is made.

Effect shall be given to the operating instructions in this revised section E.3. in regard to any decision (as defined above) which is made after the date of this GAL. In regard to the exercise of a State's or a State agency's authority under the State's UI law to redetermine TAA cases, or seek remedial action in appealed cases, see section 4 of this GAL, on *Determinations, Redeterminations, and Decisions on Appeals*.

Section 233(f), interpreted as set forth above, affects the regulations at 20 CFR part 617 in regard to both basic and additional TRA.

**Administration:** The State agency, in administering section 233(f), must obtain from an official of the training institution information on any scheduled break in training and the beginning and ending dates of the scheduled break.

a. A worker participating in training shall be paid TRA for any week beginning during a scheduled break in training that does not exceed 14 days, provided the stated conditions are met and the worker is otherwise eligible.

b. A worker participating in training shall not be paid TRA for any week that begins and ends during a scheduled break that is 15 days or more in duration.

However, when the break occurs during the period the worker is receiving the 26 weeks of additional TRA, such weeks shall be counted against the 26 weeks of eligibility for additional TRA, as such weeks have been counted before the amendment, and as such weeks are counted against the 104-week eligibility period for basic TRA.

In establishing the number of days in a break in training, all calendar days shall be included in the calculation, beginning with the first day following the last day of class preceding the training break, and ending with the last day preceding the first class day after the end of the training break. However, any Saturday or Sunday, or any National or State holiday (officially observed in the State in which the training is conducted) occurring during the scheduled break in training, on which training would not normally be scheduled in the training program if there were no break in training, shall not be counted in determining the number of days of the break.

For any week a worker is not entitled to basic or additional TRA because the week occurs during a break of more than 14 days, such a week will nonetheless count against the 26 weeks for which additional TRA is payable if the worker was being paid additional TRA. The situation is different if the worker is still drawing against basic TRA entitlement; in this case any week during a break that is not payable will not count against the worker's maximum entitlement, but the worker's eligibility period for basic TRA will continue to run.

Examples of counting the days of breaks in training under differing scheduling scenarios are presented in attachment B of this GAL.

#### E.4. 210-Day Requirement in Section 233(b)

**Amended Law:** Subsection (b) of section 233 was not amended by the OTCA, but it is affected indirectly by



the substantive change in the eligibility period for basic TRA in section 233(a)(2) (which is discussed in revised section F.1., below). Section 233(b) continues to provide that, to qualify for additional TRA, the worker must file an application for a training program approved under section 236 within 210 days after the later of the date of the certification covering the worker, or "the worker's total or partial separation referred to in section 231(a)(1)."

There is a direct relationship between the eligibility period for basic TRA and the time limitation in section 233(b) to qualify for additional TRA, because additional TRA is payable only after exhaustion of basic TRA. There is sound reason therefore to link as nearly as possible both time periods to the same separation. This, in fact, is the position that has been taken in the past. Thus, under the 1974 Amendments, when the eligibility period for basic TRA was movable, the time limit (then 180 days) to qualify for additional TRA likewise was tied to the worker's most recent separation. See the definition of the term "appropriate week" in the 1975 regulations at 29 CFR 91.3(a)(5), and 29 CFR 91.12(b)(1). When the eligibility period for basic TRA became a fixed period under the 1981 Amendments, the 210-day limit in section 233(b) also was linked to the first qualifying separation. (See 20 CFR 617.15(b)(2)).

Therefore, with the OTCA amendment to section 233(a)(2) restoring the movable eligibility period effective on August 23, 1988, there is sound reason to make the 210-day limit in section 233(b) applicable to the most recent separation. Unlike amended Section 233(a)(2), however, which requires that the separation be a total separation (as defined in section 247 and the regulations), for the purposes of section 233(b) the separation that must be taken into account includes partial as well as total separations (as defined in section 247 and the regulations).

This revised interpretation of section 233(b) is effective with regard to all decisions (*i.e.*, all determinations, redeterminations, and decisions on appeals) made on or after August 23, 1988.

The operating instructions in this revised section E.4, shall be given effect in regard to any decision (as defined above) which is made after the date of this GAL. In regard to the exercise of a State's or a State agency's authority under the State's UI law to redetermine TAA cases, or seek remedial action in appealed cases, see section 4 of this GAL, on Determinations, Redeterminations, and Decisions on Appeals.

This change affects the regulations at 20 CFR part 617, and, further, will require a modification in the amendment to 20 CFR 617.15 as proposed in the document published on November 30, 1988, at 53 FR 48474, 48483.

**Administration.** This change in the interpretation of section 233(b) is to be given effect as of August 23, 1988. Any separation with respect to which section 233(b) applies may be a total or partial separation, as defined in the Trade Act and the regulations, and must occur within the certification period of the applicable certification.

Further, while the total or partial separation must be within the certification period specified in section 231(a)(1), for the purposes of section 233(b) it is not relevant whether that separation is a qualifying separation as required for the purposes of section 231(a)(2). However, a worker whose only separation from adversely affected employment under a certification was a partial (non-qualifying) separation that occurred before, on, or after August 23, 1988, is eligible to enroll in training under section 236 of the Trade Act, but is not eligible to receive additional (or basic) TRA payments. In order to qualify for any TRA under section 231(a)(2), the worker must have had a "first qualifying separation" (before August 23, 1988) or a "total qualifying separation" (on or after August 23, 1988).

If any determination has been issued after August 23, 1988, which resulted in a denial of additional TRA because of failure to meet the previous 210-day rule, then to the extent authorized by the State unemployment compensation law such determination should be set aside or reopened and a redetermination made on the basis of the most recent total or partial separation under the same certification, if the worker had a more recent total or partial separation on or after August 23, 1988, or if the certification was issued on or after August 23, 1988. In cases where the worker had only one separation under the same certification, redetermination is not necessary and should not be undertaken (on the agency's own motion) except in those cases where it is necessary in order to determine whether the worker has had a subsequent separation.

#### **F. Section 233—Limitation on Period in Which Trade Readjustment Allowances May Be Paid**

##### **F.1. Revised Eligibility Period for Basic TRA**

**Amended Law:** Section 1425(a) of the OTCA amended section 233(a)(2) of the Trade Act to return essentially to the

movable 2-year eligibility period as in effect prior to the 1981 Amendments. Under amended section 233(a)(2), the eligibility period for basic TRA is the 104-week period that begins with the first week following the week in which the worker's most recent, total qualifying separation occurred. For this purpose, a "qualifying" separation is a total separation which occurs within the certification period described in section 231(a)(1) for the certification under which the worker is covered, and with respect to which the worker meets the employment and wage qualifying requirements of section 231(a)(2).

For an individual worker to establish an eligibility period for basic TRA, therefore, five conditions must be found to exist:

- A certification of eligibility to apply for adjustment assistance must have been issued under section 223 of the Trade Act.
- The worker must be covered by such certification.
- The worker must have been separated from adversely affected employment, and such separation must be a "total separation" as defined in section 247(11) of the Trade Act and in the regulations at 20 CFR 617.3(11).
- Such total separation must be within the certification period of such certification as specified in section 231(a)(1) of the Trade Act.
- The worker must meet the employment and wage qualifying requirements of section 231(a)(2) of the Trade Act with respect to such separation.

If all of the five conditions stated in the preceding paragraph are found to exist in the case of any individual worker, the worker has had a "qualifying separation" for the purposes of eligibility for basic TRA, and such worker's eligibility period during which the worker may claim basic TRA is the 104 consecutive calendar weeks beginning with the week which immediately follows the week in which such qualifying separation occurred. The 104-week eligibility period will run its course in 104 consecutive weeks, regardless of the worker's experience in that 104-week period with employment, unemployment, eligibility for UI or waiting week, or any other circumstances except a subsequent qualifying separation as defined herein.

Under OTCA section 1430(a), this amendment to section 233(a)(2) took effect on August 23, 1988. GAL 7-88 implemented this effective date by applying the amended section 233(a)(2) to all total separations which occur on or after that date, except in the case of workers who have previously exhausted all of their rights to basic TRA.



Section 1430(g) of the OTCA also affects the amendment to section 233(a)(2). Section 1430(g) provides that—

The amendment made by section 1425(a) shall not apply with respect to any total separation of a worker from adversely affected employment (within the meaning of section 247 of such Act) that occurs before the date of enactment of this Act if the application of such amendment with respect to such total separation would reduce the period for which such worker would (but for such amendment) be allowed to receive trade readjustment allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974.

In GAL 7-88, section 1430(g) was construed as applying to total separations which occurred on or after August 23, 1988, so as to preclude the application of amended section 233(a)(2) if it would result in shortening an individual's basic TRA eligibility period with respect to a "first qualifying separation" which occurred prior to August 23, 1988.

As noted in this GAL, the new interpretations of subsections (a) and (g) of section 1430 require a different implementation of these provisions, as follows:

(1) *Section 1430(a)*. As noted above, pursuant to OTCA section 1430(a), the amendment to section 233(a)(2) took effect on August 23, 1988. This effective date is implemented under the new interpretations by applying the amended section 233(a)(2) to all decisions made on or after August 23, 1988. The term "decisions" as used herein means all determinations and redeterminations or prior determinations (as referred to in 20 CFR 617.50), and all decisions on the appeals of such determinations and redeterminations (as referred to in 20 CFR 617.51). Effect shall be given to this new interpretation of section 1430(a) by applying the operating instructions in this revised section F.1. in all such decisions which are made by the State agencies and the State appellate authorities after the date of this GAL.

Accordingly, after the date of this GAL, the operating instructions in this revised section F.1. shall be applied in all decisions on basic TRA eligibility periods for affected workers. This means that amended section 233(a)(2) of the Trade Act shall be applied in all such decisions with regard to all total qualifying separations, whether such a separation occurred before, on, or after August 23, 1988, rather than being limited, as under the prior operating instructions, to such a separation which occurred or occurs on or after August 23, 1988. However, the application of the amended section 233(a)(2) is limited

under OTCA section 1430(g) as explained below.

(2) *Section 1430(g)*. This subsection (g) is interpreted, according to its literal terms, as applying solely with respect to total qualifying separations which occurred before August 23, 1988. The limitation under section 1430(g) shall not be applied with regard to any total qualifying separation which occurred or occurs on or after August 23, 1988, nor with regard to any "first qualifying separation" which occurred before August 23, 1988, nor to a partial separation at any time or to any total separation which is not a qualifying separation under amended section 233(a)(2).

Effect shall be given to this new interpretation of section 1430(g) by applying the operating instructions in this revised section F.1. in all decisions (as defined above) which are made by the State agencies and the State appellate authorities after the date of this GAL. This means that, after the date of this GAL Section 1430(g) of the OTCA shall be applied in all such decisions with regard to only those total qualifying separations which occurred before August 23, 1988, rather than being applied, as under the prior operating instructions, to total qualifying separations which occurred or occur on or after August 23, 1988.

(3) *Law to be applied*. The law to be applied in making any decision (as defined above) on a worker's basic TRA eligibility period is amended by section 233(a)(2) of the Trade Act of 1974, and section 1403(g) of the OTCA, if applicable, as such law is interpreted in the Department's operating instructions (or controlling regulations) and in effect on the date any such decision is made. This rule shall apply irrespective of whether the occurrence(s) to which the decision relates occurred before, on, or after August 23, 1988.

Accordingly, under these new interpretations of sections 1430(a) and 1430(g) of the OTCA, together with the law-in-effect rule stated above, amended section 233(a)(2) is to be applied according to this revised section F.1. in making any decision concerning a worker's basic TRA eligibility period which is made after the date of this GAL. The sole exception to this rule, required by section 1430(g), is that amended section 233(a)(2) shall not be applied with regard to a total separation which occurred before August 23, 1988, if doing so would result in shortening the individual's eligibility period based on the prior law and a "first qualifying separation".

What this means is that the new interpretations will have different

applications to a "first qualifying separation" that occurred before August 23, 1988, subsequent "total qualifying separation" of a worker under the same certification that occurred before August 23, 1988, and a subsequent "total qualifying separation" of a worker under the same certification that occurred or occurs on or after August 23, 1988. Under no circumstances may amended section 233(a)(2) be applied to a "first qualifying separation" which occurred before August 23, 1988, because to do so would shorten the eligibility period of the worker that would exist in the absence of the amendment to section 233(a)(2), and there would be no occasion for the application of section 1430(g) with respect to any subsequent "total qualifying separation" of the worker under the same certification. The application of amended section 233(a)(2) and section 1430(g) to such subsequent total qualifying separations is outlined in the following two paragraphs.

With respect to a total qualifying separation of a worker covered by a certification, which is subsequent to the worker's "first qualifying separation" under the same certification, and which occurred before August 23, 1988, amended section 233(a)(2) must be applied unless the application thereof is precluded by section 1430(g) and this revised section F.1. Section 1430(g) precludes application of the new eligibility period to the worker if such eligibility period would end on a date earlier than the ending date of the eligibility period established for the worker on the basis of prior law and the worker's "first qualifying separation" under the same certification; but if the new eligibility period would end on the same date or a later date than amended section 233(a)(2) must be applied.

However, if the subsequent total qualifying separation occurred on or after August 23, 1988, amended section 233(a)(2) must be applied with respect to that subsequent separation, and section 1430(g) may not be taken into consideration because it may not operate to limit the application of amended section 233(a)(2). Consequently, the ending date of the new eligibility period may be earlier than, the same as, or later than the eligibility period established for the worker on the basis of the prior law and a "first qualifying separation" which occurred before August 23, 1988. To the extent that the application of amended section 233(a)(2) may result in "shortening" individual eligibility periods, that is precisely what amended section 233(a)(2) requires, but a worker so affected still obtains the advantage of



the movable eligibility period which will accrue to the worker's further benefit in the case of a subsequent total qualifying separation. In limiting the effect of section 1430(g), Congress drew the line at total separations occurring before August 23, 1988. As this line was so clearly drawn in section 1430(g), there is no flexibility for an interpretation which would broaden the application of section 1430(g).

In applying these new interpretations with respect to total separations which occurred before August 23, 1988, workers whose eligibility periods are extended will become entitled in such extended eligibility periods to payment of any remaining balance in their TRA accounts to which it can be determined that they are otherwise entitled. To establish entitlement to a payment for any week, however, the individual must be determined to have been unemployed in that week, able to work and available for work, and meet all other requirements of the current law on eligibility for basic TRA (with the exception that an individual may not be required, as a condition of entitlement to retroactive payments, to satisfy the requirements of sections 231(a) (4) or (5) of the Trade Act).

This rule against the retroactive application of the requirements of section 231(a) (4) and (5) also applies to all TRA claimants. Thus, section 231(a) (4) and (5) of the Trade Act shall not apply or be applied to a worker with respect to a claim for basic TRA for a week of unemployment which begins prior to the filing of an initial claim for TRA, if such week begins before the worker is notified that the worker is covered by a certification issued under the Trade Act (or an amendment in the OTCA), and the worker is fully informed of the requirements of such sections.

**Note:** In making any decision in accordance with this revised section F.1., any TRA payable for a week beginning on and after March 1, 1986 and before October 1, 1986 is subject to the G-R-H 4.3 percent sequester reduction. This application is required by section 13009(d) of the COBRA, and its application affects all TRA payments for weeks beginning during the above 6-month period regardless of when these payments are actually made. In addition, TRA payments for weeks of unemployment beginning in FY 1990 (on or after October 1, 1989 through September 30, 1990) are required to be reduced by the 1.4 percent G-R-H sequester reduction. (See further guidance on the 1986 and 1990 sequester reductions below and in section 3 of this GAL and in section A.2. of this attachment A.)

The new interpretations of sections 1430(a) and 1430(g) of the OTCA, as set forth above, are effective for the purposes of amended section 233(a)(2) of

the Trade Act with regard to all decisions (i.e., all determinations, redeterminations, and decisions on appeals) which are made on or after August 23, 1988. Further, the law to be applied in making any such decision is the law as in effect on the date any such decision is made, as set forth in this revised section F.1.

Effect shall be given to the operating instructions in this revised section F.1. in regard to any decision (as defined above) which is made after the date of this GAL. In regard to the exercise of a State's or a State agency's authority under the State's UI law to redetermine TAA cases or seek remedial action in appealed cases, see section 4 of this GAL, on Determinations, Redeterminations, and Decisions on Appeals.

This change affects the regulations at 20 CFR part 617, and, will also require modifications of the proposed rule published in the *Federal Register* on November 30, 1988, at 53 FR 48474.

**Administration:** Since amended section 233(a)(2) links the TRA eligibility period to the most recent total qualifying separation (as determined under amended section 233(a)(2)), the eligibility period established with respect to a worker's first qualifying separation changes if the worker has another "total qualifying separation" under the same certification. Therefore, when a worker has a second "qualifying separation" under the same certification (as determined under amended section 233(a)(2)), the worker's eligibility period for basic TRA moves from the prior established eligibility period to 104 weeks after the week in which the second "qualifying separation" occurred. The process will be repeated for any subsequent "qualifying separation" of the worker occurring within the certification period of the same certification.

In applying amended section 233(a)(2), account must be taken of its applicability, in conjunction with the applicability of section 1430(g) of the OTCA, to the total separation of a worker which occurs before August 23, 1988 and subsequent to the worker's prior "first qualifying separation" under the same certification and within the same certification period. For this purpose, the "first qualifying separation" must continue to have essentially the same meaning as under the prior law, and thus means the worker's first partial or total separation—as determined under the law in effect at the time such separation occurred—under a single certification, and which is within the certification period of the certification. Also with

respect to such separation, the worker must meet the qualifying employment and wage requirements of section 231(a)(2) of the Trade Act—as determined under the law in effect at the time the decision is made in accordance with this revised section F.1.

Conversely, the subsequent total separation must be a total qualifying separation under amended section 233(a)(2) in order to justify the application of amended section 233(a)(2) and section 1430(g) of the OTCA. Only under these explicit conditions may amended section 233(a)(2) and the limitation in section 1430(g) be applied to a total separation which occurred before August 23, 1988, and then only in regard to a decision on a claim which is made on or after August 23, 1988. Neither amended section 233(a)(2) nor section 1430(g) may under any circumstances be applied with regard to a partial separation, or a total separation which is not a qualifying separation, nor may section 1430(g) be applied to a total separation (whether qualifying or not) which occurred or occurs on or after August 23, 1988.

Although a worker's TRA eligibility period will, as stated above, be established or reestablished with respect to each "total qualifying separation" under the same certification, nothing else changes in regard to the worker's basic TRA entitlement. Thus, the worker's weekly amount of basic TRA, as computed under section 232, and the worker's maximum amount of basic TRA, as computed under section 233(a)(1), are established and remain fixed at the amounts computed with respect to the worker's first partial or total separation which is within the certification period of the certification covering the worker, and with respect to which section 231(a)(3) applies to the worker, regardless of whether such first separation occurred before, on, or after August 23, 1988.

Therefore, whenever a worker files a new TRA claim it will be necessary to determine whether the worker's most recent separation was a "total qualifying separation", as defined above, and, if so, whether such separation occurred before, on, or after August 23, 1988, and whether the worker had a prior partial or total separation within the certification period of the same certification with respect to which section 231(a)(3) applies to the worker.

If such most recent separation occurred prior to August 23, 1988, and was not the individual's first partial or total separation as defined above, then—



- The eligibility period will be 104 weeks beginning with the week following the week in which the total separation occurred or 104 weeks after the exhaustion of regular UI in the first benefit period, whichever is longer, and
- The worker's weekly amount of basic TRA, as computed under section 232, and the worker's maximum amount of basic TRA, as computed under section 233(a)(1), are established or remain fixed at the amounts computed with respect to the worker's first partial or total separation which is within the certification period of the certification covering the worker and with respect to which section 231(a)(3) applies to the worker.

However, any TRA payment for weeks beginning on and after March 1, 1986 and before October 1, 1986, shall take into account the G-R-H 4.3 percent sequester reduction. Operating instructions provided to the States implementing the 1986 G-R-H sequester provided that during the period of this sequester the worker's TRA maximum amount will not be reduced except on a week-by-week basis and then only by the actual amount of the weekly TRA payment after the 4.3 percent reduction (and any other reductions). When the balance remaining in the worker's TRA maximum amount is less than the full weekly TRA amount payable, the 4.3 percent reduction will be applied to the remaining balance.

The G-R-H sequester for weeks of unemployment beginning on or after October 1, 1989, and for the remainder of FY 1990 will be 1.4 percent. During this period, the weekly benefit amount of TRA payable to each worker shall be reduced by the 1.4 percent G-R-H sequester reduction. The worker's TRA maximum benefit amount during the FY 1990 G-R-H sequester period is reduced by the total TRA weekly benefit amount without regard to the 1.4 percent G-R-H sequestration. An example of the G-R-H sequestration applicable to weeks beginning in FY 1990 is:

Worker's TRA weekly benefit amount.....	\$100.00
1.4% G-R-H reduction.....	1.40
Reduced weekly amount.....	*98.60
Weekly reduction to max. ben. amt.....	100.00

\*Rounded to a whole dollar amount as provided by the applicable State law.

If such most recent separation occurred or occurs on or after August 23, 1988, and was not the individual's first partial or total separation as defined above, then—

- The eligibility period will be 104 weeks beginning with the week following the week in which the total separation occurred, and

- The worker's weekly amount of basic TRA, as computed under sections 232, and the worker's maximum amount of basic TRA, as computed under section 233(a)(1), are established or remain fixed at the amounts computed with respect to the worker's first partial or total separation which is within the certification period of the certification covering the worker and with respect to which section 231(a)(3) applies to the worker.

The worker's weekly and maximum amounts of basic TRA will be determined, under section 232 and 233(a)(1), respectively, on the basis of such a first partial or total separation, as set out above, regardless of whether such first separation occurred before, on, or after August 23, 1988. On the other hand, the worker's eligibility period under amended section 233(a)(2) will be "movable," and section 1430(g) will not apply.

**Note:** If a SESA, following instructions contained in subsection F.1. of GAL 7-88, erroneously applied the provisions of section 1430(g) of the OTCA to a worker's total qualifying separation occurring on or after August 23, 1988, a TRA overpayment may have resulted. If an overpayment resulted, the SESA must issue an overpayment determination under section 243 of the Trade Act and 20 CFR 617.55 with respect to any such TRA overpayment in every case.

Examples of application of the revised eligibility period for basic TRA are contained in attachment B of this GAL.

#### F. 2. Retroactive Waiver of Time Limitations

**Amended Law:** Section 1425(b) of the OTCA, without specifically amending any provision of the Trade Act, waives the time limit on the TRA eligibility period in section 233(a)(2), and the 210-day time limit in section 233(b) on filing a bona fide application for training in order to qualify for additional TRA, but only for workers who experienced a qualifying, total separation from adversely affected employment in the period which began on August 13, 1981 (the date of enactment of the 1981 Amendments), and ended on April 7, 1986 (the date of enactment of the 1986 Amendments).

Other specified conditions must be met for a worker to become eligible under this retroactive provision for basic and additional TRA. This provision became effective on August 23, 1988, and affects the regulations at 20 CFR part 617.

Nine conditions must be found to exist for a worker to establish potential eligibility under section 1425(b) for basic and additional TRA:

- a. A certification of eligibility to apply for adjustment assistance must have been issued under section 223 of the Trade Act;

- b. The worker must be covered by such certification;

- c. The worker must have been separated from adversely affected employment, and such separation must be a "total separation" as defined in section 247(11) of the Trade Act and in the regulations at 20 CFR 617.3(11);

- d. Such total separation must be within the certification period of such certification as specified in the certification and in section 231(a)(1) of the Trade Act;

- e. The worker must meet the employment and wage qualifying requirements of section 231(a)(2) of the Trade Act (as in effect on the date any decision (as defined above) is made) with respect to such separation;

and, further, for the purposes of section 1425(b)—

- f. Such total separation must have occurred on or after August 13, 1981, and on or before April 7, 1986;

- g. The worker must be currently "enrolled in a training program" approved under section 236(a) of the Trade Act;

- h. The worker must have been "unemployed continuously since the date" of such total separation, not taking into account "seasonal employment, odd jobs, or part-time, temporary employment"; and

- i. With respect to any week, the worker has not been determined to have, without justifiable cause, either failed to begin participation in the training program in which enrolled as stated in condition (g), or has ceased to participate in such training program before completing the training program.

All nine of these conditions must be determined to be met in order to establish a worker's eligibility for TRA under section 1425(b) and this revised section F.2. The meaning of conditions (a) through (f) is self-evident from the terms as stated in each of these conditions. The terms of conditions (g) and (i) are expressed in section 1425(b) in the same terms as the OTCA amendments to sections 231(a)(5)(A) and 231(b)(1) of the Trade Act, and, therefore, the same terms in both provisions (enrolled in training, failed to begin participation, ceased participation, and "justifiable cause") shall have the same meanings for the purposes of section 1425(b) as are stated above in sections C.1. and C.2.

Condition (h) is a special condition applicable solely as a condition of eligibility for TRA under section 1425(b). The worker must have been "unemployed continuously" since the date of the total separation which is referred to in conditions (c) through (f). In a prior version of section 1425(b) this condition was stated as being continuously unemployed since the "original" separation. Therefore, since the enacted version in effect refers to any total separation meeting conditions (c) through (f), only the last such separation shall be taken into account.



for the purposes of section 1425(b). Further, in determining whether unemployment has been continuous (up to the time of enrollment and participation in training for the purposes of section 1425(b)), all employment of the worker in work that is seasonal or in odd jobs, or part-time, temporary work, is to be disregarded. However, any job not meeting one of these exclusions will break the chain, and the worker may not be determining to have been continuously unemployed.

Section 1425(b) became effective on August 23, 1988, and affects the regulations at 20 CFR part 617. Therefore, while the waiver of the time limits in section 233 (a)(2) and (b) are retroactive in a sense, it is only for the purpose of effectuating the intent of section 1425(b) that workers separated in the period which began on August 13, 1981 and ended on April 7, 1986, shall not be denied basic and additional TRA prospectively, beginning on August 23, 1988, because of such time limitations. Therefore, section 1425(b) is to operate prospectively for the purposes of payment of basic and additional TRA, and all of the terms and conditions of the Trade Act as amended by the OTCA (except the time elements specifically waived), and the further conditions stated in conditions (f) through (i) above, shall be applied in determining whether a particular worker is entitled to such payments.

As interpreted in this revised section F.2., section 1425(b) of the OTCA is effective with regard to all decisions (i.e., all determinations, redeterminations, and decisions on appeals) which are made on or after August 23, 1988. Further, the law to be applied in making any such decision is the law as in effect on the date any such decision is made, as set forth in this revised section F.2., except that, in the case of section 1425(b), there is no limitation on the eligibility period for basic TRA, and the 210-day limitation in section 233(b) of the Trade Act shall not apply. For additional TRA, on the other hand, the eligibility period as provided in amended section 233(a)(3) of the Trade Act shall be applicable. Furthermore, section 1430(g) of the OTCA is not applicable to claims filed under section 1425(b).

Effect shall be given to the operating instructions in this revised section F.2. in regard to any decision (as defined above) which is made after the date of this GAL. In regard to the exercise of a State's or a State agency's authority under the State's UI law to redetermine TAA cases, or seek remedial action in appealed cases, see section 4 of this

GAL, on Determinations, Redeterminations, and Decisions on Appeals.

**Administration:** No payment of basic or additional TRA may be made under section 1425(b) for any week which begins before August 23, 1988, but for any week which begins after August 23, 1988, a worker who is found to meet conditions (a) through (f) and condition (h), and who is also found to be "enrolled in" (condition (g)) or participating in a required training program, and is not failing to meet condition (i), shall be paid TRA (if otherwise eligible) beginning with the first week of such eligibility which begins after August 23, 1988.

The reference to otherwise eligible in the preceding sentence assumes the worker is found to meet all of the nine conditions stated above, and also that the cumulative payments made under section 1425(b), together with any payments previously made to the worker, do not exceed the worker's maximum entitlement to TRA as determined under sections 233(a)(1) and 233(a)(3). For example, if a worker qualifies as eligible under section 1425(b) and has received all of the basic TRA to which the worker was entitled, but no additional TRA, the worker would be entitled to up to 26 weeks of additional TRA, but no further basic TRA. Similarly, if the worker had received 20 weeks of basic TRA and was determined under section 233(a)(1) to be entitled to 26 weeks, the worker is entitled to the remaining six weeks of basic TRA, and up to 26 weeks of additional TRA. Under section 1425(b), however, no payment of basic TRA may be made for any week the worker is not actually enrolled in or participating in approved training, nor may additional TRA be paid for any week the worker is not actually participating in approved training, as is required by section 1425(b). Payments may be made for breaks in training, as is permitted in limited cases to other workers in training under new subsection (f) of section 233, as discussed above in section E.3.

All of the provisions of amended sections 233(a)(3) and 236 will apply to section 1425(b) workers. Even though the last "qualifying separation" will be used as the starting point for applying the "continuously unemployed" condition, the first "qualifying separation" must be used to determine weekly and maximum amounts payable, in accordance with sections 232 and 233(a)(1). However, for 1425(b) worker's, there is no limited eligibility period for basic TRA, although the 26-week

eligibility period for additional TRA is applicable as stated in section 233(a)(3) as amended by the OTCA.

State agencies must make new determinations for all workers who apply for benefits under section 1425(b), and provide payments only when all eligibility conditions are properly determined to be met. Also, States must make good faith efforts to inform workers of their rights under this provision through notices in newspapers of general circulation in areas of the State where workers covered by past certifications reside, and, where the certification periods under such certifications include any portion of the period which began on August 13, 1981, and ended on April 7, 1986. The efforts by the States should also include, where appropriate, news releases, notification to unions, and posting of notices in UI, Job Service and other appropriate offices. State agencies are also encouraged to use available and accessible administrative records to help identify those workers previously denied TAA benefits and services who might now be eligible for TRA payments under section 1425(b) or training.

State agencies will consider local labor market characteristics in applying the terms seasonable, odd jobs, or part-time, temporary work.

**Note:** Because of the new interpretation of section 1430(a) of the OTCA, it is theoretically possible that a worker may be covered under section 1425(b) of the OTCA and also covered under another provision of the amended Trade Act, with regard to the worker's entitlement to basic TRA under a single certification. In any case in which this happens, the worker must be fully informed of the worker's rights under both provisions, and be given the choice of receiving TRA under either or both provisions. The only restrictions that may be placed upon the worker's choice, is that the aggregate payments of TRA may not exceed the worker's maximum entitlement as determined under section 233(a)(1) and the regulations in effect, only one TRA payment in the established weekly benefit amount may be paid for any single week of unemployment, and, of course, with respect to each week paid the worker must be otherwise eligible for the TRA payment under the applicable provisions of the amended Trade Act or section 1425(b), as the case may be, and the controlling operating instructions in this attachment A of this GAL (or the final regulations when they take effect). In such case, the worker shall be fully informed of the effect of the 4.3 percent G-R-H sequester reduction on any TRA payable for a week beginning on and after March 1, 1986 and before October 1, 1986.

An example of application of the retroactive waiver of time limitations is



contained in ATTACHMENT B of this GAL.

*G. Section 236—Training for Adversely Affected Workers*

Section 1424 of the OTCA makes a number of changes in section 236 of the Trade Act, and related changes in section 239. The changes in subsections (a) and (c) of section 1424, to section 236, are discussed in this section. All of the changes to section 236 affect the regulations at 20 CFR part 617. Subsection (b) of section 1424, which relates to a possible, future increase in the \$90 million ceiling is not addressed in this document.

**G.1. Criteria for Approval of Training**

*Amended Law:* In paragraphs (1) through (4) of section 1424(a) of the OTCA, the criteria for approval of training in section 236(a)(1) of the Trade Act are amended by changing "is available" to "is reasonably available" in subparagraph (D), and by adding new criterion (F) that "such training is suitable for the worker and available at a reasonable cost."

New paragraph (9) of section 236(a), as added by section 1424(a)(13) of the OTCA, directs the Secretary of Labor to prescribe regulations which set forth the criteria for each of the subparagraphs of section 236(a)(1) "that will be used as the basis for making determinations under paragraph (1)."

These amendments became effective on August 23, 1988.

*Administration:* For purposes of implementing section 236(a)(9), the following criteria are set forth for subparagraphs (A) through (F) of section 236(a)(1) for making determinations under paragraph (1):

(A) There is no suitable employment (which may include technical and professional employment) available for an adversely affected worker.

This means that for the worker for whom approval of training is being considered under section 236(a)(1), there is at that time no suitable employment available for that worker, either in the commuting area, as defined in 20 CFR 617.3(k), or outside the commuting area in an area in which the worker desires to relocate with the assistance of a relocation allowance under section 238, and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. For the purposes of subparagraph (A), the term "suitable employment" is defined in section 236(f) (redesignated (e) by section 1424(c)(3), effective on November 21, 1988).

(B) The worker would benefit from appropriate training.

This means that there is a direct correlation between the needs of the worker for skills training or remedial education and what would be provided by the training program under consideration for the worker, and that the worker has the mental and physical capabilities to undertake, make satisfactory progress and complete the training. Further, this implies the individual will be job ready on completion of training.

(C) There is a reasonable expectation of employment following completion of such training.

This means that, for that worker, given the job market conditions expected to exist at the time of the completion of the training program, there is, fairly and objectively considered, a reasonable expectation that the worker will find a job, using the skills acquired while in training, after completion of the training. Any determination under subparagraph (C) must take into account section 236(a)(2) (redesignated (3) by section 1424(a)(11)), which provides that "a reasonable expectation of employment" does not require that employment opportunities for the worker be available, or offered, immediately upon the completion of the approved training. This emphasizes, rather than negates, the point that there must be a fair and objective projection of job market conditions expected to exist at the time of completion of the training.

(D) Training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 195(2) of the Vocational Education Act of 1963, and employers).

This means that training is reasonably accessible to the worker within the worker's commuting area at any governmental or private institution or facility, particularly including on-the-job training with an employer, and it means training that is suitable for the worker and meets the other criteria of subsection (a)(1). It also means that emphasis must be given to finding accessible training for the worker, although not precluding training outside the commuting area if none is available at the time within the worker's commuting area. If outside the commuting area then the training must be available at a reasonable cost as prescribed in (F) below.

In determining whether or not training is reasonably available, first consideration shall be given to training opportunities available within the worker's normal commuting area.

Training at facilities outside the worker's normal commuting area should be approved only if such training is not available in the area or the training to be provided outside the normal commuting area is provided at a more reasonable cost.

(E) The worker is qualified to undertake and complete such training.

This emphasizes the worker's personal qualifications; that is, the worker's own physical and mental capabilities and background and experience. In relation to these personal characteristics, the worker must be evaluated as qualified to undertake the specific training program being considered and to complete the training successfully.

(F) Such training is suitable for the worker and available at a reasonable cost.

Such training means the training being considered for the worker. Suitable for the worker means that subparagraph (E) is met and that the training is appropriate for the worker given the worker's capabilities, background and experience.

Available at a reasonable cost means that training is not approved at one institution when, all costs being considered, the same training can be obtained at another institution at a lower total cost. It also means that training is not approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other institutions or facilities. This new criterion also requires taking into consideration the funding of training costs from sources other than TAA funds, and the least cost to TAA funding of providing suitable training opportunities to workers. New provisions (added by OTCA) as well as section 236(a)(3) (redesignated (4) by section 1424(a)(11)) mandate a more controlled and sophisticated management of TAA funds and funding from other sources in the provision of training opportunities to the maximum number of adversely affected workers. Greater emphasis will need to be given to these elements in determining the reasonable costs of training, particularly in view of the new requirements that TRA claimants be enrolled in and participate in training.

The meanings ascribed above to the six criteria of section 236(a)(1) shall be given effect in determinations approving or disapproving training for workers on and after August 23, 1988.

*Determining Reasonable Costs of Training.* For the purpose of



subparagraph (F) the following actions shall be taken by the State agency:

a. Reasonable cost of training shall take into consideration tuition and related expenses (books, tools, and fees), travel or transportation expenses, and subsistence expenses.

b. In determining whether costs of training are reasonable, consideration should first be given to the lowest cost training which is available within the commuting area. When like training for suitable employment is offered at more than one training facility, the lowest cost training shall be approved.

c. Training outside the worker's normal commuting area should be approved only in situations where appropriate training is not otherwise available. Training that involves transportation or subsistence costs which add substantially to the total costs provide a basis for disapproving the training, if other appropriate training is available.

d. States shall establish, annually, a maximum amount allowable for the total costs of training per worker taking into consideration the type of occupational training, the usual and customary costs of such training in the State and the duration of the training.

## G.2. Training as an Entitlement

**Amended Law:** Paragraphs (5) and (6) of section 1424(a) of the OTCA make changes in the first and second sentences of section 236(a)(1) that convert training from an entitlement to the extent appropriated funds are available, to an entitlement without regard to the availability of funding to pay the costs of the training. Thus, in the first sentence, the phrase "shall (to the extent appropriated funds are available) approve", which was added by the 1986 Amendments, is amended by deleting the parenthetical clause so that the phrase reads, simply, "shall approve". This clearly makes training an entitlement and in any case where the six criteria are reasonably met, the worker is entitled to have the training approved and it may not be unreasonably denied.

The second sentence provides that the worker shall be entitled to "have payment of the costs of such training paid on his behalf," and this is changed by inserting the parenthetical "(subject to the limitations imposed by this section)" after the words costs of such training. The reference to "limitations" includes all of the limitations and restrictions on types of training and the training criteria, as well as the new \$80 million limit on annual training costs payable from TAA funds.

These amendments became effective on August 23, 1988.

**Administration:** The amended Act provides up to \$80 million (\$120 million one year after an import fee takes effect) to cover training costs under the Act. Up

to this limit workers are entitled under the amended second sentence of section 236(a)(1) to have the costs of approved training paid on their behalf.

All certified eligible workers must be informed in writing of their entitlement to training immediately and of the qualifying requirement of being enrolled in or having completed training as a condition for receiving any TRA for weeks beginning after November 19, 1988. States must establish procedures for documenting such action, and records documented that the worker has been so informed and has attested to the fact.

## G.3. Funding Training

**Amended Law:** The OTCA makes four primary changes in section 236(a) relating to funding the costs of training approved under section 236(a)(1), other than on-the-job training.

Section 1424(a)(12) of the OTCA adds a new paragraph (2) to section 236(a), which limits annual training costs under section 236(a)(1) to \$80 million. Paragraph (2) further provides that if the Secretary foresees in any fiscal year that the \$80 million limit will be exceeded, the Secretary will decide how the remaining funds shall be apportioned among the States for the balance of such fiscal year. Related to this is a one-time appropriation in section 1426(c) of the OTCA of such amounts as may be necessary for payments under Sections 236, 237, and 238 after August 23, 1988, and before October 1, 1988: The sum appropriated is charged to the Fiscal Year 1989 appropriation for these purposes.

Section 1424(a)(13) adds new paragraph (6) to section 236(a). New paragraph (6) provides that the costs of training approved under section 236(a)(1) are "not required" to be paid from TAA funds "to the extent that such costs are paid" under any State program or any other Federal program or from any other source than section 236. The "not required" language means that this is neither a requirement nor a prohibition on the use of TAA funds.

Also, in this connection, subparagraph (B) of new paragraph (6) provides that the worker may be required to enter into an agreement under which the training costs will not be required to be paid from TAA funds to the extent of "the portion of the costs of such training that the worker has reason to believe will be paid under the program, or by the source, described in subparagraph (A) or (B) of paragraph (1) (sic)." First of all, the reference to paragraph (1) is presumed to mean paragraph (4) (redesignated (5) by section 1424(a)(11)), because in the context this is the only

meaningful reference for these purposes. Thus, paragraph (6)(B) is construed as referring to costs payable by the employer for OJT training and costs payable under Title III of the Job Training Partnership Act.

In another change related to funding, section 1424(a)(13) of the OTCA also adds a new paragraph (7) to section 236(a), which prohibits the approval of a training program under section 236(a) if: (a) All "or a portion" of the training costs are paid under any "nongovernmental plan or program"; (b) the worker has a right to obtain training or funds for training under the nongovernmental plan or program; and (c) the worker would be required to reimburse the nongovernmental plan and program from TAA funds provided under section 236(a), or from wages paid under such training program, "for any portion" of the costs of the training program. This is a flat prohibition, not only on funding but on the approval under section 236(a) of a training program, if the worker might be required to reimburse the nongovernmental plan or program for "any portion", however small, of the costs of such training.

A further related change is made in section 1424(a)(10) of the OTCA to paragraph (4) (redesignated (5) by section 1424(a)(11)) of section 236(a). In describing the types of training programs that are approvable under section 236(a)(1), a new subparagraph (E) is added to paragraph (5) to provide that such approvable training shall include—

(E) Any training program (other than a program described in paragraph (7)) for which all, or any portion, of the costs of training the worker are paid—

- (i) Under any Federal or State program other than this chapter, or
- (ii) From any source other than this section.

All of the amendments discussed in this item became effective on August 23, 1988.

**Administration:** As pointed out in the preceding item, since August 23, 1988, training is an entitlement which may not unreasonably be denied, without regard to whether there are any TAA funds to pay the costs of the training. New paragraph (2) of section 236(a) places a ceiling on annual training costs payable from TAA funds, and authorizes the Secretary to apportion funds among the States in any year when the Secretary estimates that the ceiling might be exceeded. The second sentence of section 236(a)(1) provides, however, that workers shall be entitled to have the costs of approved training paid by the Secretary, subject to the limitations imposed by other provisions of section



236. While these provisions, read together, might appear to authorize approval of training for which the worker agrees to pay part or all of the costs, no change is contemplated in 20 CFR 617.22(h), which precludes approval of training for which the individual would be required to pay a fee or tuition.

Retention of the requirement that precludes approval of training under section 236(a)(1) if the worker would be required to pay any of the costs of the training emphasizes the necessity for close cooperation between public authorities and providers in fully funding training costs. New paragraphs (5)(E), (6), and (7) of section 236 open the door to approval of training under section 236(a)(1) even though the costs of the training are partially or fully paid under any other Federal program, any State program, or for any other source than section 236 which includes private sources. The one prohibition in paragraph (7) is that the training under a nongovernmental plan or program may not be approved under section 236(a)(1) if the worker might be required under the plan or program to pay any part of the costs of the training, under any circumstances, or if the worker might be required under the plan or program to turn over to the plan or program any TAA funds paid to the worker or any sum equal to a portion or all of such TAA funds. Although paragraph (7) makes this prohibition specific for nongovernmental plans or programs, the same prohibition applies by implication to all Federal and State programs as well, for the purposes of section 236. As provided in 20 CFR 617.22(h), a worker may not be required to pay any of the costs of training approvable under section 236(a)(1). To give full effect to these provisions of section 236 and the regulations, it must follow that a worker also may not be asked to make a voluntary contribution to offset the costs of the training.

Notwithstanding the opening of funding doors in new paragraphs (5)(E), (6), and (7), paragraph (3) of section 236(a) was redesignated as paragraph (4) but was not otherwise amended by the OTCA. Section 236(a)(4) continues to preclude some mixing of funds, and must now be construed in conjunction with new paragraphs (5)(E), (6), and (7). Subparagraph (A) of section 236(a)(4) continues to prohibit payment of training costs under any other Federal law if they are paid from TAA funds. While this preclusion is specific in this single instance, it is implicit in section 236, and particularly new paragraphs (5)(E), (6), and (7) that any duplication

of payment of any training costs, if such duplication would in any way involve the use to TAA funds, is clearly prohibited by section 236.

Subparagraph (B) of section 236(a)(4) prohibits the use of TAA funds to pay any training costs that: (i) Have already been paid under any other Federal law; or (ii) are reimbursable under any other Federal law and a portion of such costs have already been paid under such other Federal law. In part, subparagraph (B) simply prescribes another prohibition on duplication that is the reverse of the prohibition in subparagraph (A). As stated in the preceding paragraph, however, section 236 precludes all duplication which may in any way involve the use of TAA funds.

The second part of subparagraph (B) has in the past presented some difficulty in application, but with the addition of new paragraphs (5)(E), (6), and (7), and the new emphasis upon close cooperation, advance planning and preparation with respect to mixed-funding training programs, the former difficulty should diminish remarkably. The second part of subparagraph (B) must be given effect, however, and may not be overcome or disregarded because of second thought or afterthought based upon new paragraph (5)(E), (6), or (7). Further, the Department is given the authority under new paragraph (6)(B) to require a release from the worker of the "entitlement of training costs" when the costs of approved training are being paid from a source other than TAA.

Implementation of these changes as outlined above will provide the States greater flexibility in sourcing funds for TAA approved training. Specifically, cooperating State agencies are to take the following actions to implement amended section 236:

- a. Inform other training providers and cooperating State agencies of the provisions of amended section 236, and establish procedures and plans for utilizing TAA funds, funds under other Federal and State programs, and funds from other sources, either in a mix or one source alone, in providing training to workers which is approvable under section 236(a)(1).
- b. Establish procedures for executing agreements with workers as required by subparagraph (B) of section 236(a)(4).
- c. Establish procedures to assure that all of the requirements of Section 236 are met in the provision of any training to be approved under section 236(a)(1).
- d. Establish procedures and prepare plans to assure that the maximum training opportunities are available and timely for adversely affected workers, and that they are placed in training at the earliest possible time.

e. Obtain written assurance from each worker that no request for reimbursement from TAA funds will be made when training costs are paid for from non-TAA sources.

#### G.4. Types of Training Approvable

*Amended Law:* Section 1424(a)(10) of the OTCA amends paragraph (4) (redesignated (5) by section 1424(a)(11)) of section 236(a), to add remedial education and mixed-funding training as specified in new paragraph (5)(E). The addition of remedial education as a separate and distinct approvable training program is a significant change. Previously, remedial education was approvable only as part of a broader training program that also included skills training. With this change remedial education is approvable as a distinct training program, without the need to include skills training. Nevertheless, in order to meet all of the criteria of section 236(a)(1), remedial education may be approved as a separate and complete training program only where no skills training is necessary to make the worker job ready upon completion of the training.

This amendment became effective on August 23, 1988.

*Administration:* Remedial education may be approved as a training program for a worker when the six (6) criteria of section 236(a)(1) are met.

Remedial education may continue to be offered when included as an integral part of an overall training program for a worker. However, this amendment recognizes that for some workers, the use of remedial education to improve certain basic skills may be the only assistance an individual worker requires to return to suitable work.

State agencies should develop procedures for approving training in the form of remedial education when it is an appropriate adjustment service to help the worker return to suitable employment or as a part of an approved training program.

#### G.5. On-the-Job Training

*Amended Law:* Section 1424(c) of the OTCA makes one significant change concerning on-the-job training, and two technical and conforming changes in section 236. These changes are in addition to the technical and conforming change in Section 232(b) (discussed above) made by section 1423(b)(1) of the OTCA.

Section 1424(c)(1) of the OTCA amends subsection (d) of section 236, which was added by the 1986 Amendments. As added in 1986, section 236(d) provided that, notwithstanding subsection (a)(1), the costs of on-the-job



training "may" be paid only if ten specified conditions were met. Without disturbing the ten conditions, the introductory part of section 236(d) is amended by section 1424(c)(1) to provide that:

(d) The Secretary shall pay the costs of any on-the-job training of an adversely affected worker that is approved under subsection (a)(1) in equal monthly installments, but the Secretary may pay such costs, notwithstanding any other provision of this section, only if—

This puts the costs of OJT training on the same entitlement track as other training costs under the second sentence of section 236(a)(1), and therefore subject to the provisions on the \$80 million limitation in new section 236(a)(2). The only difference specified in section 236(d) is that the costs shall be paid in "equal monthly installments." This amendment became effective on August 23, 1988, and applies to determinations made on and after that date and to payments of costs beginning with payments made in September 1988.

Sections 1424(c)(2) and (3) make technical and conforming changes in section 236, by repealing subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively. Thus, subsection (d) becomes subsection (c). Old subsection (c) is replaced by section 231(b), as amended by section 1423(a)(2) of the OTCA.

These technical and conforming changes are effective on November 21, 1988.

**Administration:** State agencies are to take the following actions with respect to providing OJT payments in equally monthly installments if the conditions stated in section 236(d) are found to be met.

The amount of the monthly installment shall be equivalent to the contracted cost of the training divided by the duration of the training program in months. State agencies are to modify OJT contracting procedures and forms to incorporate this requirement in new OJT contracts approved after August 23, 1988. Contracts existing on August 23, 1988 are to be modified, if necessary, to convert to monthly payments beginning in September.

#### G.6. Miscellany

**Amended Law:** Two other significant changes in section 236 are made by section 1424 of the OTCA.

Section 1424(a)(7) of the OTCA amends the second sentence of section 236(a)(1) to insert the phrase "directly or through a voucher system" after the words "by the Secretary." This amendment became effective on August 23, 1988.

Section 1424(a)(13) of the OTCA also added a new paragraph (8) to section 236(a). New paragraph (8) simply authorizes approval of training for a worker at any time after the certification is issued which covers the worker, "without regard to whether such worker has exhausted all rights to any unemployment insurance to which the worker is entitled." This merely makes explicit what was apparent all along, and is the practice that has been followed. It is an important reminder, however, because under section 231(b)(2) (as amended by section 1423(a)(2) of the OTCA) the training requirements of section 231(a)(5) and (b) are effective for individual workers the first week after the certification is issued. See the discussion above of section 231(b)(2). New paragraph (8) also became effective on August 23, 1988.

**Administration:** No action is being taken at this time relating to the use of a voucher system. An assessment will be made of the feasibility of using a voucher system and its applicability to administration of the TAA program. In the meantime no change in operations or procedures shall be effected at the State level.

New paragraph (8) authorizes the approval of training for an adversely affected worker at any time after the group is certified. The intent of this amendment is to get workers into training as early as possible, including the period during which the worker is still receiving unemployment compensation. Except for the necessity for earlier advice to workers, and arrangements for training, this implicates no change in current operations, as 20 CFR 617.10(a) has always authorized early applications for TAA, while providing that determinations of entitlement to TAA may not be made until a certification is issued and it is determined on an individual basis that the workers are covered by the certification.

State agencies, when informing workers of their benefits under the Trade Act, should encourage workers to enroll in training at the earliest possible date. In this way, workers will be able to receive unemployment compensation and TRA for more weeks while in approved training.

#### H. Section 239—Agreements With States

##### H. TAA Agreements with States

**Amended Law:** Several changes are made in section 239 for the purpose of assuring that the amendments in the OTCA are carried out through the

agreements with the States. These changes will require that new agreements be executed between the States and the Secretary of Labor, and affect the regulations at 20 CFR part 617.

Section 1423(a)(4) of the OTCA amends section 239(a)(3) of the Trade Act to require that the States "will make any certifications required under section 231(c)(2)." This amendment became effective on August 23, 1988.

Section 1424(d)(1)(B) of the OTCA amends subsection (e) of section 239 to read as follows:

(e) Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title III of the Job Training Partnership Act upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this chapter.

As amended, subsection (e) requires the coordinated delivery of services and benefits under sections 235 and 236 of the Trade Act and title III of the Job Training Partnership Act "upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement."

This amendment became effective on August 23, 1988, and is another reason why new agreements will be required with the States.

Section 1424(d)(2) of the OTCA amends subsection (f) of section 239 to read as follows:

(f) Each cooperating State agency shall, in carrying out subsection (a)(2)—

(1) Advise each worker who applies for unemployment insurance of the benefits under this chapter and the procedures and deadlines for applying for such benefits.

(2) Facilitate the early filing of petitions under section 221 for any workers that the agency considers are likely to be eligible for benefits under this chapter.

(3) Advise each adversely affected worker to apply for training under section 236(a) before, or at the same time, the worker applies for trade readjustment allowances under part I of subchapter B, and

(4) As soon as practicable, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 236 and review such opportunities with the worker.

As amended, subsection (f) requires the States to furnish a great deal more information and advice to workers, and, more importantly, at a much earlier time than was required under former subsection (f). The information and advice required by amended subsection



(f) must be coordinated with the notice, information and assistance provisions of amended section 225. This amended subsection (f) of section 239 became effective on August 23, 1988.

In another amendment of a technical nature, related to the agreements with the States, section 1424(d)(1)(A) of the OTCA amends section 235 of the Trade Act by striking out "cooperating State agencies" and inserting "the States" in lieu thereof. This amendment became effective on August 23, 1988, and affects the regulations at 20 CFR part 617.

**Administration:** New State agreements have been developed, signed by the Secretary and sent to the Governor of each State for execution. Governors have been requested to return signed agreements to the Department of Labor by September 20, 1988. Those agreements were designed explicitly to bind the States to follow the operating instructions in GAL 7-88 and in other guidance issued by the Department of Labor. Such guidance now includes this GAL.

Immediately upon the signing of the Agreement in each State, the cooperating State agencies shall commence giving effect to the 1988 Amendments. Among the things to be done immediately is to furnish to all current UI claimants and TRA applicants the advice, information, and assistance required by sections 239(f) and 225 of the amended Trade Act.

#### I. Other

Sections 1426 through 1429 of the OTCA contain other amendments to the Trade Act of 1974 and other provisions that do not directly impact on the administration of the TAA Program by the States under their agreements with the Secretary of Labor. These provisions, therefore, are not discussed in this document.

Section 1430 of the OTCA prescribes the effective dates of the various provisions of the OTCA. The effective date of each provision discussed in this document is set forth in such discussion.

[End]

Attachment B to GAL 15-90: Examples of Applying Operating Instructions Under Differing Scenarios

#### Section 1: Application of Revised Operating Instructions in Section F.1. of Attachment A

##### F.1.—Revised Eligibility Period for Basic TRA—Examples

The examples which follow are general, but represent some of the different categories of TRA claimants affected by the operating instructions in revised section F.1. In regard to the

exercise of a State's or a State agency's authority under the State's UI law to redetermine TRA claims, or seek remedial action in appealed cases, as discussed in the following examples, see section 4 of this GAL, on Determinations, Redeterminations, and Decisions on Appeals.

**Reminder:** G-R-H sequester reductions, as described in the body of this GAL and in attachment A to the GAL, must be applied to TRA payments for certain weeks in FY 1988 and all weeks beginning in FY 1990. Thus, the G-R-H reductions apply to some TRA payments described in the examples below.

**Example 1.** A worker was totally separated from adversely affected employment in July 1986, which was the "first qualifying separation" for the worker under the applicable certification. A 104-week TRA eligibility period was established following the worker's first exhaustion of 26 weeks of regular UI in January 1987. The worker did not exhaust TRA monetary entitlement before returning to work with the same employer. The worker had a subsequent total qualifying separation covered under the same certification in early August 1988 (before August 23), but the SESA's TRA entitlement determination with respect to the subsequent separation was issued after the worker had exhausted UI entitlement in February 1989. Following the operating instructions in GAL 7-88, the worker was determined not entitled to TRA after exhaustion of all UI in February 1989, because the worker's eligibility period for TRA ended in January 1989.

**Application:** The determination made in February 1989 was correct under the regulations and operating instructions in effect at the time the determination was made. However, the determination would have been different had the interpretations contained in revised section F.1. been in place in February 1989. The SESA should redetermine the worker's entitlement, upon the request of the worker or upon its own motion, only if authorized under the applicable State law for UI purposes. If the case is redetermined, the worker would be entitled to a new eligibility period of 104 weeks beginning with the week following the week in which the total qualifying separation occurred in August 1988, in accordance with the provisions of amended section 233(a)(2) of the Trade Act and the operating instructions in revised section F.1., since:

- (a) The redetermination is being made on or after August 23, 1988;
- (b) The eligibility period for decisions made on or after August 23, 1988 is 104 weeks after

the most recent total qualifying separation; and

(c) The eligibility period based on the early August 1988 total separation is longer than the eligibility period based on the first qualifying separation in July 1986 (e.g., the limitation of section 1430(g) of the OTCA does not apply).

**Example 2.** A worker established TRA entitlement based on a first qualifying separation from adversely affected employment in October 1982. The worker exhausted UI entitlement, but did not exhaust TRA entitlement before returning to work with the same employer. The worker had a subsequent total qualifying separation from adversely affected employment covered under the same certification in November 1984. A SESA determination, issued after exhaustion of UI following the subsequent separation, denied the worker TRA entitlement because the worker's 52-week TRA eligibility period had expired (pursuant to section 233(a)(2) of the Act, as in effect at the time).

**Application:** The determination issued after the worker's exhaustion of UI following the subsequent separation was correct under the law in effect at the time the determination was made. However, if pursuant to authority in the applicable State UI law a redetermination or an appeal decision is made after the issuance of revised section F.1., the law to be applied is the law in effect on the date any such decision is made. In any such decision, the worker would be entitled to a new eligibility period of 104 weeks beginning with the week following the week in which the total qualifying separation occurred in November 1984, in accordance with the provisions of amended section 233(a)(2) of the Trade Act and the operating instructions in revised section F.1. The worker's weekly and maximum TRA amounts would remain fixed at the amounts established with respect to the worker's first qualifying separation, because current law on these points is unchanged from the law in effect when the original TRA monetary determination was issued in 1983. However, if any errors were made in the original monetary determination, such errors should be corrected in the redetermination, on the basis of the current law.

**Example 3.** A worker was totally separated from adversely affected employment in July 1986, which was the "first qualifying separation" for the worker under the applicable certification. The UI benefit period in which such "first qualifying separation" occurred ended in August 1986, after the



worker had returned to work with the same employer. Thereafter, the worker was periodically laid off and returned to work, and finally was laid off permanently in July 1988, which was a total qualifying separation under the same certification. The worker exhausted UI in November 1988, and filed an initial claim for TRA. The determination on this initial claim held that the worker is not entitled to TRA after exhaustion of UI in November 1988, because the worker's eligibility period ended in August 1988, 104 weeks after the end of the worker's UI benefit period during which the "first qualifying separation" occurred.

**Application:** The determination issued on the initial claim for TRA filed in November 1988 was correct under the regulations and operating instructions in effect at the time the determination was made. However, the determination would have been different had the interpretations contained in revised section F.1. been in place. The SESA should redetermine the worker's entitlement, upon the request of the worker or upon its own motions, only if authorized under the applicable State law for UI purposes. If the case is redetermined, the worker is entitled to a new eligibility period of 104 weeks, beginning with the week following the week in which the total qualifying separation occurred in July 1988, on the basis of amended section 233(a)(2) and the operating instructions in revised section F.1. (See Example 1).

**Example 4.** The facts are the same as in Example 3, but the determination on the initial claim for TRA (or on appeal a referee, appeal board, or court decision) holds that the worker's eligibility period for basic TRA is 104 weeks following exhaustion of UI in November 1988.

**Application:** The determination (or decision) was erroneous under the law, regulations and operating instructions in effect at the time the determination (or decision) was made, and is also inconsistent with the operating instructions in revised section F.1. Therefore, if it is within the State's or State agency's authority under the State's UI law, it must take action to redetermine the claim, or take action to appeal any such decision of a referee, appeal board, or court. Under revised section F.1., the worker is entitled to a new eligibility period of 104 weeks, which begins with the week following the week in which the total qualifying separation occurred in July 1988, rather than 104 weeks beginning after exhaustion of UI in November 1988. Further, the case must be reviewed to ascertain whether any overpayment was

made under the incorrect determination (or decision), that would not have been paid under a correct determination (or decision), and an appealable determination must be made under section 243 and 20 CFR 617.55 with the respect to any such overpayment.

**Example 5.** A worker was totally separated from adversely affected employment in January 1988, which was the "first qualifying separation" for the worker under the applicable certification. Four weeks after the first layoff, the worker returned to work with the same employer and was permanently laid off in October 1988, which was a total qualifying separation under the same certification. The worker exhausted regular UI with the end of the benefit year in January 1989, and filed an initial claim for TRA. The determination on this initial claim held that the worker's eligibility period, based on the first qualifying separation, was 104 weeks after the end of the benefit year in January 1989, and that section 1430(g) of the OTCA and the operating instructions in GAL 7-63 precluded the "moving" of the eligibility period to 104 weeks after the second separation in October 1988. The worker did not appeal from the determination, and it became final.

**Application:** The determination in this case was correct under the regulations and operating instructions in effect at the time the determination was made. However, the determination would have been different had the interpretations contained in revised section F.1. been in place in January 1989. Under revised section F.1., the worker in this case is not entitled to the application of the section 1430(g) limitation because the second qualifying separation occurred on or after August 23, 1988, and the worker's 104-week eligibility period begins with the week following the week which the total qualifying separation occurred in October 1988. Therefore, if it is within the State's or State agency's authority under the State's UI law, it must take action to redetermine the claim and correct the eligibility period. Further, the case must be reviewed to ascertain whether any overpayment was made under the incorrect determination, that would not have been paid under a correct determination, and an appealable determination must be made under section 243 and 20 CFR 617.55 with respect to any such overpayment.

**Example 6.** A worker, covered under a retroactive oil and gas certification of group eligibility issued under section 1421(a)(1)(B) of the OTCA, with an impact date of October 1, 1985, had a

total qualifying separation on October 4, 1985. The worker exhausted UI benefits on October 19, 1985. The worker returned to work until a subsequent total qualifying separation from the same certified employment occurred in November 1987. The worker established a new claim for UI benefits which he/she exhausted in May 1988. The worker applied for retroactive TRA benefits in January 1989 but the determination issued by the State agency denied TRA because during the 104-week basic TRA eligibility period (October 20, 1985 through October 17, 1987), the worker was employed and, therefore, not eligible. Furthermore, the worker was not eligible for TRA after exhaustion of UI in May of 1988 because his/her 104-week basic TRA eligibility period had expired.

**Application:** The determination in this case was correct under the regulations and operating instructions in effect at the time the determination was made. However, the determination would have been different had the interpretations contained in revised section F.1. been in place. The SESA should redetermine the worker's entitlement, upon the request of the worker or upon its own motion, only if authorized under the applicable State law for UI purposes. If the case is redetermined, the worker is entitled to a new 104-week TRA eligibility period beginning with the week following the week in which the total qualifying separation occurred in November 1987. Retroactive TRA payments should be made for those weeks where the worker was unemployed and otherwise eligible, up to the maximum entitlement as determined under section 233(a)(1) of the Trade Act and 20 CFR 617.15(a).

#### *Section 2: Application of Revised Operating Instructions in Section F.2. of Attachment A*

##### *F.2—Retroactive Waiver of Time Limitations—Example*

**Example.** A worker covered under a certification with an impact date of October 1, 1985, had a total qualifying separation on October 10, 1985. The worker exhausted UI on November 2, 1985, and the basic TRA eligibility period therefore began on November 3, 1985, and ran initially for 52 weeks which changed to 104 weeks under the 1986 Amendments (e.g., 11/03/85 through 10/31/87). The worker was employed intermittently over the next two years in jobs that were "seasonal employment, odd jobs, or part-time, temporary employment" within the meaning of section 1425(b)(2)(A)(ii) of the OTCA, but in that time did not



exhaust all of the worker's entitlement to basic TRA. In December 1987 the worker filed a new claim for UI, and exhausted all UI in May 1988. Following the exhaustion of UI the worker again claimed TRA; this claim was denied because the worker's basic TRA eligibility period ended in October 1987.

*Application:* The determination denying TRA to this worker in 1988 was correct under the law and regulations in effect at the time the determination was made. Under section 1425(b) of the OTCA, however, the time limitation of section 233(a)(2) on the basic TRA eligibility period is inapplicable to a worker who is totally separated from adversely affected employment during the period from 8/13/81 to 4/07/86, as was the worker in this Example. If the worker is determined to meet the eligibility conditions of section 1425(b), therefore, the worker would be entitled to payment of the balance of basic TRA benefits, and also additional TRA, for weeks which begin after August 23, 1988. The facts in the Example indicate that the worker may meet the continuously unemployed requirement, of section 1425(b)(2)(A)(ii). If the worker applies for payment of TRA, and is determined to meet the continuously unemployed requirement, as well as the enrolled in and participation in training requirements of section 1424(b)(2) (A) and (B), the worker would be entitled to the payment of the balance of the basic TRA and any additional TRA with respect to which he is determined to be otherwise entitled under section 1425(b) and the amended Trade Act.

*Section 3: Application of Revised Operating Instructions in Section E.3. of Attachment A*

**E.3.—Payment of TRA During Breaks in Training—Examples**

*Example 1.* Under the published schedule for the training program, there is a two-week break in the training program, the last scheduled day of training is a Friday, and training is not regularly scheduled on Saturdays, Sundays, or National and State holidays officially observed in the State. Classes resume as scheduled on the third Monday following the last scheduled day of class. There are 16 calendar days in such a two-week break, but excluding the three Saturdays and three Sundays in the period, the number of break days in this example are 10. Since the counted days of the break do not exceed 14 days, the worker would be entitled to payment of basic or additional TRA for both weeks the worker is on the training break, if the worker is otherwise eligible for such basic or additional TRA, and participated in all scheduled training during the week in which the break in training began and the week in which scheduled training resumed.

*Example 2.* Under the published schedule for the training program, a holiday season break is scheduled to begin after classes on Tuesday, December 20, 1988, and continue until classes resume on Wednesday, January 4, 1989. The break begins on Wednesday, December 21, and ends on Tuesday, January 3, a period of 14 calendar days. In this example,

therefore, the break does not exceed 14 calendar days, and excluding Saturdays and Sundays only 10 days are counted for the break. If Monday, December 26, and Monday, January 2, are officially observed as holidays, because Christmas and New Year's days fell on Sundays, then only 8 days are counted for the break. The worker therefore is entitled to payment of basic or additional TRA (if otherwise eligible) for the week ending on December 31, 1988, if the worker participated in all scheduled training in the week ending on December 24, 1988, and January 7, 1989.

*Example 3.* Change the facts of the above example slightly, so that the break begins after classes on Friday, December 9, 1988, and the countable days of the break will exceed 14 days (25 calendar days minus four Saturdays, four Sundays, and two recognized holidays equals 15 days). In this situation, the worker is not entitled to basic or additional TRA for the weeks ending on December 17, 24, and 31. The worker is entitled to basic or additional TRA (if otherwise eligible) for the weeks ending on December 10, 1988 and January 7, 1989, if the worker participated in all training scheduled in those weeks. The weeks not paid will, however, count against the 104-week eligibility period for basic TRA, as well as against the 26 weeks of entitlement to additional TRA.

[FR Doc. 90-27322 Filed 11-20-90; 8:45 am]

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# Testis Great Federal Register

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Wednesday  
November 21, 1990

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## Part IV

## Department of Justice

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### Bureau of Prisons

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### Modification to List of Bureau of Prisons Institutions; Notice



November 21, 1962

Part IV

# Department of Justice

Bureau of Prisons

Medication to List of Bureau of Prisons Institutions; Notice



## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## Modification to List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

**SUMMARY:** Attorney General Order No. 648-76 (41 FR 14895), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960-81, Reorganization Regulations, published in the *Federal Register* October 27, 1981 (at 46 FR 52339 *et seq.*) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prisons institutions. The last listing of the Bureau's institutions was published in the *Federal Register* on June 13, 1990 (55 FR 24064 *et seq.*). In this present document, the Bureau is publishing a consolidated listing of its institutions, and is designating the Federal Detention Center at Oakdale, Louisiana (Oakdale I) as a Federal Correctional Institution and the Federal Deportation Center at Oakdale, Louisiana (Oakdale II) as a Federal Detention Center. In addition, as noted in the *Federal Register* of July 23, 1990 (55 FR 29990), the Bureau is correctly designating the facility at Boron, California as a Federal Prison Camp and the former Federal Prison Camp at Lompoc, California as a Federal Correctional Institution.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, 320 First Street NW., HOLC room 741, Washington, DC 20534 (202-724-3062).

**SUPPLEMENTARY INFORMATION:** This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, section 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 3621, 4001, 4003, 4042, 4081, and 4082 (repealed in part October 12, 1984) and delegated to

the Director, Bureau of Prisons by 28 CFR 0.96(r), it is hereby ordered as follows:

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institutions at the following locations are designated as U.S. Penitentiaries:

- (1) Atlanta, Georgia;
- (2) Leavenworth, Kansas;
- (3) Lewisburg, Pennsylvania;
- (4) Lompoc, California;
- (5) Marion, Illinois; and
- (6) Terre Haute, Indiana.

B. The Bureau of Prisons institutions at the following locations are designated as Federal Correctional Institutions:

- (1) Ashland, Kentucky;
- (2) Bastrop, Texas;
- (3) Big Spring, Texas;
- (4) Butner, North Carolina;
- (5) Danbury, Connecticut;
- (6) El Reno, Oklahoma;
- (7) Englewood, Colorado;
- (8) Fairton, New Jersey;
- (9) Fort Worth, Texas;
- (10) Jesup, Georgia;
- (11) La Tuna, Texas;
- (12) Lexington, Kentucky;
- (13) Loretto, Pennsylvania;
- (14) Lompoc, California;
- (15) Marianna, Florida;
- (16) McKean, Pennsylvania;
- (17) Memphis, Tennessee;
- (18) Milan, Michigan;
- (19) Morgantown, West Virginia;
- (20) Oakdale, Louisiana (formerly Oakdale I);
- (21) Otisville, New York;
- (22) Oxford, Wisconsin;
- (23) Petersburg, Virginia;
- (24) Phoenix, Arizona;
- (25) Pleasanton, California;
- (26) Ray Brook, New York;
- (27) Safford, Arizona;
- (28) Sandstone, Minnesota;
- (29) Seagoville, Texas;
- (30) Sheridan, Oregon;
- (31) Talladega, Alabama;
- (32) Tallahassee, Florida;
- (33) Terminal Island, California;

- (34) Texarkana, Texas;
- (35) Three Rivers, Texas; and
- (36) Tucson, Arizona.

C. The Bureau of Prisons institutions at the following locations are designated as Federal Prison Camps:

- (1) Alderson, West Virginia;
- (2) Allenwood, Pennsylvania;
- (3) Boron, California;
- (4) Bryan, Texas;
- (5) Duluth, Minnesota;
- (6) Eglin Air Force Base, Florida;
- (7) Ft. Bliss, El Paso, Texas;
- (8) Homestead Air Force Base, Homestead, Florida;
- (9) Maxwell Air Force Base/Gunter Air Force Station, Montgomery, Alabama;
- (10) Millington, Tennessee;
- (11) Nellis Air Force Base, Las Vegas, Nevada;
- (12) Saufley Field, Pensacola, Florida;
- (13) Seymour-Johnson Air Force Base, North Carolina;
- (14) Tyndall Air Force Base, Panama City, Florida; and
- (15) Yankton, South Dakota.

D. The Bureau of Prisons institutions at the following locations are designated as Metropolitan Correctional Centers:

- (1) Chicago, Illinois;
- (2) Miami, Florida;
- (3) New York, New York; and
- (4) San Diego, California.

E. The Bureau of Prisons institution at Springfield, Missouri is designated as the U.S. Medical Center for Federal Prisoners.

F. The Bureau of Prisons institution at Rochester, Minnesota is designated as the Federal Medical Center.

G. The Bureau of Prisons institutions at the following locations are designated as Federal Detention Centers:

- (1) Fort Gordon, Georgia;
- (2) Oakdale, Louisiana (formerly Oakdale II).

H. The Bureau of Prisons institution at Los Angeles, California is designated as the Metropolitan Detention Center.

Dated: November 14, 1990.

J. Michael Quinlan,

Director, Federal Bureau of Prisons.

[FR Doc. 90-27403 Filed 11-20-90; 8:45 am]

BILLING CODE 4410-05-M



List of Members	List of Members	List of Members
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# Federal Register

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Wednesday  
November 21, 1990

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## Part V

## Department of Labor

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Mine Safety and Health Administration

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30 CFR Part 77

Refuse Piles and Waste Impoundment  
Dams at Coal Mines; Public Hearing



## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 77

RIN 1219-AA49

## Refuse Piles and Waste Impoundment Dams at Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearing.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) will hold a public hearing to receive comments on its proposal to revise existing safety standards that address refuse piles and impoundment structures used at coal mines to dispose of refuse or contain water, sediment or slurry (55 FR 24526) June 15, 1990. The hearing will be held in Pittsburgh, Pennsylvania and will cover the major issues raised by commenters on the proposed rule.

**DATES:** All requests to make oral presentations for the record should be submitted at least five days prior to the hearing date. Immediately before the hearing, any unallotted time will be made available to persons making requests. The public hearing will be held December 13, 1990, beginning at 9 a.m.

**ADDRESSES:** The hearing will be held in Pittsburgh, Pennsylvania, in the Conference Center Room of the Best Western-Parkway Center Inn, 875 Greentree Road, Pittsburgh, Pennsylvania 15220.

Send written comments to make oral presentations to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA (703) 235-1910.

**SUPPLEMENTARY INFORMATION:** On June 15, 1990, MSHA published a proposed rule (55 FR 24526) to revise safety standards that address refuse piles and impoundment structures used at coal mines. Proposed revisions would address certifications of examinations for hazardous refuse piles, the frequency of inspections and the method of abandonment for impoundments and impounding structures. The comment period for the proposed rule was scheduled to close on September 21, 1990, but in response to a request from the mining community, MSHA extended the comment period to October 19, 1990 (55 FR 39300). The purpose of the public hearing is to receive relevant comments

and respond to questions about the proposed rule. The hearing will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion excluding irrelevant or unduly repetitious material and questions.

The session will begin with an opening statement from MSHA. The public will then be given an opportunity to make oral presentations. During these presentations, the hearing panel will be available to answer relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearing for rebuttal statements. A verbatim transcript of the proceedings will be taken and made part of the rulemaking record. Copies of the hearing transcript will be available for review by the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until January 18, 1991.

## Issues

Of particular concern to commenters are the issues discussed below. MSHA requests comments on these issues during the hearing in addition to any other aspects of the provisions addressed in the proposed rule.

## A. Refuse Piles; Reporting Requirements

The proposal would revise § 77.215-2(c) to eliminate an annual reporting requirement for those refuse piles that are no longer considered hazardous. The proposal would permit the District Manager to make the determination when the site is no longer considered hazardous. The existing standard does not provide a procedure to terminate the annual reporting requirement after the hazard has been eliminated unless the site is abandoned according to an approved plan. Some commenters were opposed to the changes. One commenter stated that if a site had been considered hazardous and is still active, it is susceptible to change and could easily become hazardous and that the reporting requirement should remain in effect until the refuse site is abandoned.

## B. Impoundments and Impounding Structures; Inspection Requirements; Correction of Hazards

The proposal would revise § 77.216-3 to allow for inspection frequencies other than every 7 days as is currently required. This revision would allow flexibility to reduce the frequency of inspections and minimize recordkeeping requirements for impoundments that have a demonstrated record of safety or are not hazardous. Unless an alternative inspection frequency is approved by the District Manager, the required inspection period for impounding structures would remain every 7 days. MSHA anticipates that the reasons for extending the time between inspections would include a low hazard potential for the structure, as well as a demonstrated history of performance. One commenter stated that the condition of some impoundments can change rapidly with adverse weather conditions. In such situations, a 7-day inspection would be too infrequent. The commenter recommended that more frequent inspections be required in time of adverse conditions such as rainy weather. Several commenters agreed with the proposed language stating that it provides a needed flexibility in determining the appropriate inspection intervals and recordkeeping requirements for impoundments. Another commenter stated that the regulations recognize that each impoundment has a different level of safety that is based on its design, construction and location.

## C. Impoundments and Impounding Structures; Reporting Requirements; Certification

The proposal would revise § 77.216-4 to clarify the reporting requirements for operators whose impoundments and impounding structures have changed during the past 12 months. Records would be required where the examination has revealed indications of structural weakness, hazardous conditions, or other changes to the structure. An annual certification, and not a record, would be required where the structure has not undergone any changes during the previous year. This would reduce the reporting requirements for operators who have not encountered changes in the impoundment during the reporting period. One commenter opposed the proposed revision, stating that water impoundments pose a great risk to the communities in many areas. Another commenter requested clarification of the statement, "changes in the impoundment during the reporting



period." This commenter questioned whether the term "changes" refers to normal sediment deposition or modification of the structure. One commenter also expressed concern that MSHA's burden hour estimate regarding the time required to prepare an average report is too low.

*D. Impoundments and Impounding Structures; Abandonment*

The proposal would revise § 77.216-5 to allow an operator to obtain MSHA's approval of an abandonment plan for an impoundment that does not contain a provision to preclude the future impoundment of water. Under the existing rule, in order to abandon an impoundment the operator is required to

completely eliminate the possibility of future impoundment of water. This standard prevents several functional future uses for impoundment structures. Such uses could include flood control, farming, or recreational uses such as fishing, boating, or swimming. One commenter was opposed to the proposed revision stating that most water impoundments retain the water that has been used in the coal cleaning process and such water or slurry is laden with coal refuse and toxic chemicals used in coal cleaning, and would pose a hazard to people and could not possibly sustain any form of life. This commenter was also of the opinion that the only impoundments that could possibly be used for recreational

purposes would be those that impounded clean water for use at the mine, and that such impoundments are generally in isolated areas or at mine sites that would not be in a location attractive for public use.

Another commenter stated that the proposed changes would benefit recreation by preserving the wetland ecosystem without causing downstream hazards.

Dated: November 14, 1990.

William J. Tattersall,

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 90-27368 Filed 11-20-90; 8:45 am]

BILLING CODE 4510-43







# Best of Federal Register

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**Wednesday  
November 21, 1990**

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## **Part VI**

## **Department of the Interior**

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### **Bureau of Land Management**

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**43 CFR Parts 2920 and 9230  
Permits, Leases and Trespass on Land  
Use Authorizations; Proposed Rule**



**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****3 CFR Parts 2920 and 9230**

[AA-320-00-4212-02]

RIN 1004-AB51

**Permits, Leases and Trespass on Land Use Authorizations**

In the matter of Procedures for Action on Use, Occupancy, and Development, Unauthorized Use, and Cost Reimbursement for Processing and Monitoring Land Use Authorizations Allowable on Public Lands under a Permit or Lease.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend and update existing regulations to facilitate responses to requests for use, occupancy, or development of public land by eliminating the current "easement" category as redundant, updating and improving the recovery of processing and monitoring costs for applications, and revising the procedures for handling unauthorized use pursuant to Title III of the Federal Land Policy and Management Act (43 U.S.C. 1732, 1733, 1734 and 1740) and for the administration, assignment, monitoring, and termination of land use authorizations pursuant to existing statutory authority. Under the proposed rules, two types of land use/occupational development authorization would be available: (1) A permit for short term generally nondisturbing use, occupancy, or development, and (2) a lease for longer term use, occupancy or development or one requiring substantial surface resource disturbance. The proposed rules would improve protection for public lands and resources from unauthorized use, assure a proper monetary return for use, occupancy, or development of public lands and resources, and establish a penalty for violation.

**DATES:** Comments should be submitted by January 22, 1991. Comments not received or postmarked by the above date may not be considered in the decisionmaking process on the issuance of a final rule.

**ADDRESSES:** Comments should be sent to: Director (140) Bureau of Land Management, Room 5555, Main Interior Bldg., 1849 C Street, NW., Washington, DC 20240. Comments will be available in room 5555 of the above address for public review during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ed Puchalla, (202) 208-5441.

**SUPPLEMENTARY INFORMATION:** The existing regulations in 43 CFR part 2920 comprise the procedures for obtaining land use authorizations in the form of permits, leases and easements to use the public lands and their resources for use, occupancy, and development in a manner that will protect their resources and those natural resources associated with adjacent public lands and other private and governmentally administered lands.

This proposed rule would remove "easements" as a category of land use authorization because it is redundant and not in current use in any State. Removal of "easements" as a subcategory from the existing regulations will eliminate some confusion and redundancy associated with the existing regulations. Experience has shown that two major land use authorization categories are sufficient.

The authorizations are issued only for those uses that conform to statute, regulations, Bureau of Land Management plans, policies, objectives, and resource management programs. The authorized utilization of public lands without properly applying cost reimbursement for such use results in significant financial losses to the United States because of non-payment of processing costs, monitoring costs, rental fees, road use, amortization, and maintenance, in addition to monetary losses from land resources that have been misused, abused, or neglected. During the fiscal years of 1987 and 1988, the Bureau of Land Management processed 1,267 permits and leases at a total cost of \$481,605 for an average cost of \$385 per lease or permit. Recovery of these processing costs as proposed would be in accord with the requirements of Section 304 of FLPMA, which states, "Notwithstanding any other provision of law, the Secretary may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to public lands and may change and abolish such fees, charges, and commissions". In addition, the Bureau of Land Management has tried to resolve cases involving unauthorized use of public lands. Even when unintentional, such use may constitute a trespass against the United States and a procedure is needed to allow the United States to obtain payment for use of the land and, where appropriate, to impose civil and/or criminal penalties for such unauthorized use of public lands. The

provisions of this proposed rule are applicable only to activities that are required to be authorized under 43 CFR part 2920 and do not apply to other types of unauthorized use, such as grazing trespass, mineral trespass, or timber trespass.

The principal author of this proposed rulemaking is Ed Puchalla, Division of Lands and Realty, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Additionally, as required by Executive Order 12630, the Department has determined that the rulemaking would not cause a taking of private property.

The information collection requirement(s) contained in part 2920 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1004-0009. The information will be used to adjudicate applications for land use. Response is required to obtain a benefit in accordance with section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732).

Public reporting burden for this information is estimated to average 7.43 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Chief, Division of Information Resources Management (770), Bureau of Land Management, room 208 Premier Building, U.S. Department of the Interior, Washington, DC 20240, and to the Office of Management and Budget, Paperwork Reduction Project, 1004-0009, Washington, DC 20503.



**List of Subjects****43 CFR Part 2920**

Public lands, Reporting and recordkeeping requirements.

**43 CFR Part 9230**

Penalties, Public lands.

Under the authority of sections 302, 303, 304 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, 1734 and 1740) it is proposed to revise part 2920, Group 2920, subchapter B, and amend part 9230.

Subchapter I, all of chapter II of the Code of Federal Regulations, as set forth below:

1. Part 2920 is revised to read as follows:

**PART 2920 PERMITS AND LEASES—PRINCIPLES AND PROCEDURES****Subpart 2920—Permits and Leases; General**

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  - 2928.4 Reimbursement of costs for monitoring.
  - 2928.5 Other cost considerations.
  - 2928.6 Action pending decision on appeal.
- Authority: 43 U.S.C. 1732, 1733, 1734, and 1740.

**Subpart 2920—Permits and Leases; General****§ 2920.0-1 Purpose.**

The purpose of the regulations in this part is to establish procedures for the orderly and timely processing of proposals, applications, amendments, assignments, and terminations for land use authorizations for the use, occupancy and development of public lands pursuant to section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) and for the administration, assignment, monitoring, and termination of land use authorizations issued pursuant to existing statutory authority.

**§ 2920.0-2 Objectives.**

It is the objective of the Secretary of the Interior to promote compatible use and development of public lands and resources through the granting of permits and leases to qualified individuals, business entities, or local governmental entities while at the same time:

- (a) Protecting other natural resources associated with the public lands under permit or lease, adjacent private lands, and other lands administered by a government agency.
- (b) Coordinating, to the fullest extent possible, all actions taken pursuant to this part with State and local governments, interested individuals, and other appropriate entities.
- (c) Promoting the utilization of permits and leases in accord with engineering and technological standards, national security needs, and land use plans.
- (d) Preventing unnecessary or undue degradation of the lands and resources.

**§ 2920.0-3 Authority.**

Sections 302, 303, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, and 1740) authorize the Secretary of the Interior to issue regulations providing for the management, use, occupancy,

protection, and development of the public lands. This authority extends to the issuance of regulations relating to leases and permits on public lands, including, among others, those in existence under prior existing authority.

**§ 2920.0-5 Definitions.**

As used in this part, the term:

*Act* means the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701 et seq.).

*Actual costs* means the financial measure of resources expended or used by the Bureau of Land Management in processing a land use authorization or monitoring the construction, operation, and termination of a facility authorized by a permit or lease, including both direct and indirect costs, but excluding management overhead.

*Applicant* means any qualified individual, partnership, corporation, association, or other business entity, who is a citizen of the United States, or that, in the case of a corporation, is subject to the laws of any State or of the United States, or local governmental entity, wherein the lands or interests are located, that applied for a permit or lease.

*Authorized officer* means any employee of the Bureau of Land Management to whom authority has been delegated to perform the duties described in this part.

*Casual use* means activities that ordinarily result in only negligible disturbance of the public lands, resources, or improvements and, therefore, do not require a land use authorization under this title.

*Continuous monitoring* means monitoring that is required on a periodic time schedule, such as daily, weekly, or monthly monitoring of a recreation site or ski lift area.

*Cost incurred for the benefit of the general public interest* means funds expended by the United States in connection with the processing of an application for studies and data collection determined to have value or utility to the United States or the general public separate and apart from application processing.

*Efficiency to the Government processing* means the ability of the United States to process an application with a minimum of waste, expense and effort.

*Holder* means the party who has received a permit or lease under this part.

*Land use authorization* means either a lease or a permit issued under this part.

*Land use plan* means an approved resource management plan or



management framework plan prepared by the Bureau of Land Management pursuant to its land use planning system.

*Lease* means a long-term authorization to possess and use public land.

*Management overhead costs* means costs associated with the Bureau directorate, including all State Directors and the entire Washington office staff, except where work is required on a specific land use authorization.

*Monetary value of the rights and privileges sought* means the objective value of the land use authorization or what the land use authorization is worth in financial terms to the applicant.

*Nonwillful trespass* means a trespass committed by mistake or inadvertence.

*Permit* means a revocable authorization to utilize public lands for short term, low capital investment uses not to exceed 3 years that normally involves either little or no land disturbance or construction. A permit conveys no interest in the land, and expires at the end of its term.

*Public lands* means any lands or interests in lands owned by the United States and administered by the Secretary through the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) Lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, and Eskimos.

*Public service provided* means tangible improvements, such as roads, trails, recreation facilities, etc., with significant public value, that are required in connection with the construction and operation of the project for which a land use authorization is sought.

*Secretary* means the Secretary of the Interior.

*Trespass* means any use, occupancy, or development of the public lands or their resources without authorization from the United States where authorization is required, in excess of such authorization, or causing unnecessary or undue degradation of the land or resources.

*Unnecessary or undue degradation* means surface disturbance greater than that which would normally result when the same or a similar activity is being accomplished by a prudent person in a usual, customary, and proficient manner. This disturbance may be either nonwillful or willful as defined in this section, depending upon the circumstances.

*Willful trespass* means voluntary or conscious trespass. The term does not include an act made by mistake or

inadvertence. The term includes actions taken with criminal or malicious intent. A consistent pattern of trespass may be sufficient to establish the knowing or willful nature of the conduct. Conduct which is otherwise regarded as being knowing or willful does not become innocent through the belief that the conduct is reasonable or legal.

*Written demand* means a request in writing for payment and/or rehabilitation in the form of billing delivered by certified mail-return receipt requested, or by personal service.

#### § 2920.0-7 Scope.

When consistent with land use plans, and in the public interest, the authorized officer may notify the public of the availability of certain public lands for lease or permit under section 302 of the Federal Land Policy and Management Act. When reasonable use of the public lands is proposed by a State or local government or by an individual applicant, the authorized officer may issue a lease or permit to increase the public utility of and economic benefit from public lands. Federal departments and agencies are not qualified to hold permits or leases under this authority. This part sets forth regulations governing:

(a) Issuing permits for short term low capital investment when use involves negligible land improvement or construction, or where investment can be amortized within a short term, including but not limited to: Stockpile sites for dirt, cinders, sand, salt, and gravel; irrigation pipe storage; filming; native hay or seed harvest; and bee colonies.

(b) Issuing leases when substantial construction, development, land improvement, or capital investment is involved, or where buffer zones are required to assure that uses of public lands are compatible with non-Federal uses occurring on adjacent or nearby land, including but not limited to:

(1) Manufacturing and trade facilities, schools, restaurants, and commercial filmmaking sites;

(2) Construction equipment storage sites, assembly yards, and oil rig stacking sites;

(3) Ski resorts, recreation, and concession sites;

(4) Apiaries, croplands, and livestock holding or feeding facilities not related to grazing permits or leases.

#### Subpart 2921—Terms and Conditions of Permits and Leases

##### § 2921.1 Nature of interest.

Any land use not specifically authorized under other laws or

regulations and not specifically forbidden by law may be authorized under this part. Uses which may be authorized include residential, agricultural, industrial, and commercial uses; short-term events, public assemblies, demonstrations, and parades that support public expressions of views; and uses that cannot be authorized under title V of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act. Land use authorizations shall be granted under the following conditions:

(a) No land use authorization is required under the regulations in this part for casual use of the public lands.

(b) Permits shall authorize short term low capital investment uses not to exceed 3 years that involve either little or no land disturbance or construction, or only improvements which can be amortized within 3 years or less. A permit conveys no interest in land, and will expire at the end of its term.

(c) Leases will be used to authorize long term use or uses of public lands involving substantial construction, development, land improvement, or the investment of large amounts of capital. A lease conveys a possessory interest and is terminable only in accordance with its terms and the provisions of §§ 2923.3 and 2923.4 of this part. Leases will be issued for a term determined by the authorized officer, which, among other factors, is no shorter than the time required to amortize the capital investment of the lessee. A lease may include buffer zones required to assure compatibility of uses of public lands.

(d) All rights in public lands subject to a permit or lease not expressly granted are retained and may be exercised by the United States. These rights include, but are not limited to:

(1) A continuing right of access onto the public lands covered by the permit or lease and, upon reasonable notice to the holder, access and entry to any facility constructed on the permit area;

(2) The right to require common use of the permit area, and the right to authorize other use of the permit area for compatible uses (including the subsurface and air space).

(e) A permit or lease may be used only for the purposes specified in the authorization.

(f) All land use authorizations shall be issued subject to valid existing rights. These rights include, but are not limited to, mining claims, rights-of-way grants, land use permits, and grazing leases or licenses.

(g) A permit or lease shall not give or authorize the holder to take from the public lands any mineral or vegetative



material, including timber, without securing authorization under the Materials Act (30 U.S.C. 601 et seq.), or other appropriate authorization, and paying in advance the fair market value of the material cut, removed, used, or destroyed. However, common varieties of stone and soil necessarily removed during the construction and development of a project may be used elsewhere within the same lease or permit area, in the construction of the project without additional authorization and payment. The holder shall be allowed in the performance of normal maintenance to do minor trimming, pruning and clearing of vegetative material within the permit or lease area without additional authorization and payment.

(h) A holder of a lease may assign it to another in accordance with § 2923.6-2, provided the holder obtains the written approval of the authorized officer.

(i) Unless specifically authorized by the terms of the permit or lease, the holder shall not use the permit or lease area for other uses without the prior written consent of the authorized officer. In any such arrangement, the holder shall continue to be responsible for compliance with all conditions of the land use authorization.

(j) Each permit or lease shall describe the public lands to be used or occupied and the land use authorization shall be limited to those lands which the authorized officer determines:

(1) To be necessary for the use authorized;

(2) To be necessary for the construction, operation, maintenance, and termination of the authorized facilities;

(3) Will not adversely affect Federal property, or public health and safety.

(k) Each permit or lease will specify its term. In determining the period for any specific permit or lease, the authorized officer will provide for a term sufficient to accomplish the purpose of the use. Factors to be considered by the authorized officer for the purpose of establishing the term of the lease or permit include, but are not limited to:

(1) Public purpose served, if any;

(2) Cost and useful life of the facility; and

(3) Time limitations imposed by licenses or permits that the holder has secured from other Federal or State agencies.

(l) Each lease issued for a term of 20 years or more will contain a provision for review of the adequacy and appropriate adjustment in the terms and conditions at the end of the twentieth year and at regular intervals thereafter not to exceed 10 years.

(m) Each lease will have a provision stating whether it is renewable or not, and, if renewable, the terms and conditions applicable to the renewal.

(n) If an applicant for a lease requests that the lease include a buffer zone to assure that use of public lands is compatible with non-Federal uses occurring on adjacent or nearby land owned or controlled by the applicant, the request may be granted if it is in accordance with plans made under the land use planning system of the Bureau of Land Management.

#### § 2921.2 Terms and conditions.

(a) An applicant, by accepting a permit or lease, agrees and consents to comply with and be bound by the following:

(1) To comply with all State and Federal laws applicable to the authorized use, and such additional State and Federal laws, along with regulations implementing them, that may be enacted or promulgated during the term of the permit or lease.

(2) Not to discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin, and all contracts and subcontracts shall include a provision to this effect.

(3) To rebuild and repair roads, fences, and established trails that may be destroyed or damaged by construction, operation, or maintenance of the project, and to build and maintain suitable crossings for existing roads and trails that are currently in use and intersect the project.

(4) To do everything reasonably within his or her power, both independently and upon request of the authorized officer, to prevent and suppress fires on or in the immediate vicinity of the land use authorization. This includes making available such construction and maintenance forces as may be reasonably required for the suppression of fires.

(b) All permits and leases issued under these regulations will contain such other terms, conditions, and stipulations as may be required by the authorized officer regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination. The authorized officer will impose stipulations including, but not limited to:

(1) Requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, or any other reclamation measure determined necessary;

(2) Requirements to ensure that activities in connection with the permit or lease shall not violate applicable air

and water quality standards or related facility siting or local zoning standards established by or pursuant to Federal or State law;

(3) Requirements designed to control or prevent damage to scenic, aesthetic, cultural, and environmental values, damage to Federal property, and hazards to public health and safety;

(4) Requirements to ensure that the facilities to be constructed, used, and operated on the prescribed location are maintained and operated in a manner consistent with the permit or lease; and

(5) Requirements for compliance with State or local standards for public health and safety, environmental protection, and for siting, construction, operation, and maintenance when those standards are more stringent than Federal standards.

#### § 2921.3 Unauthorized activities.

(a) Any use, occupancy, or development of the public lands that requires a permit or lease pursuant to this part, and that has not been so authorized, or that is beyond the scope and specific limitations of such an authorization, or that causes unnecessary or undue degradation, is prohibited, and shall constitute a trespass as defined in § 2920.0-5 of this part.

(b) Anyone determined by the authorized officer to be in violation of paragraph (a) of this section shall be notified in writing of such trespass and shall be liable to the United States for:

(1) Reimbursement of all costs incurred by the United States in the investigation and termination of such trespass;

(2) The rental value of the lands, as provided for in § 2923.1-1, for the current year and past years of trespass; and

(3) Rehabilitating and stabilizing any lands that were unduly degraded by such trespass. If the trespasser does not rehabilitate and stabilize the lands within the time set by the authorized officer in the notice, he/she shall be liable for the costs incurred by the United States in rehabilitating and stabilizing such lands.

(c) In addition to the provisions for reimbursement in paragraph (b) of this section, the following penalties shall be assessed by the authorized officer:

(1) For a nonwillful trespass that is not resolved within 30 days of receipt of a written demand under paragraph (b) of this section, an amount equal to the rental value since the inception of the trespass;



(2) For repeated nonwillful or for willful trespass, an amount that is double the rental value.

(d) In no event shall settlement for trespass computed pursuant to paragraphs (b) and (c) of this section be less than the processing fee for a Category 1 application as provided for in § 2928.3-1 for nonwillful trespass or less than 3 times this value for repeated nonwillful or knowing and willful trespass. In all cases the trespasser shall pay whichever is the higher of the computed penalty or minimum penalty amount.

(e) Failure to satisfy the requirements of § 2921.3 shall result in the denial of any permit, lease, or other land use authorization until there has been compliance with the provisions of § 9239.7-1 of this chapter.

(f) In addition to the civil penalties provided for in this part, any person who knowingly and willfully violates the provisions of § 2921.3(a) may be tried before a United States magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both, as provided by section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and § 9262.1 of this chapter.

#### **§ 2921.4 Land use authorizations issued pursuant to existing statutory authority.**

Land use authorizations issued pursuant to existing statutory authority are covered by the provisions of this part unless administration under this part diminishes or reduces any rights conferred by the land use authorization or the statute under which it was issued, in which event the provisions of the land use authorization or the then existing statute and regulations will apply.

### **Subpart 2922—Applications**

#### **§ 2922.1 Preapplication activity.**

(a) Anyone interested in obtaining a permit or lease for public lands is encouraged to establish early contact with the Bureau of Land Management office responsible for management of the affected public lands so that potential constraints may be identified. The preapplication proposal may be considered in the appropriate land use plans, and the processing of an application may be tentatively scheduled. The appropriate officer shall furnish the proponent with guidance and information about:

(1) Possible land use conflicts as identified by review of land use plans, land ownership records and other available information sources;

(2) Application procedures and probable time requirements;

(3) Applicant qualifications;

(4) Cost reimbursement requirements;

(5) Associated clearances, permits and licenses which may be required in addition to the permits or leases required under these regulations;

(6) Environmental and management considerations including, but not limited to, any hazardous materials or hazardous waste (permanent storage of hazardous materials or hazardous waste shall not be permitted);

(7) On-the-ground investigations which may be required in order to complete the application; and

(8) Coordination with Federal, State, and local government agencies.

(b) Any information furnished by the proponent in connection with a pre-application activity or use which he or she requests not be disclosed shall be protected to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

(c) No lease application processing work, other than pre-application guidance under paragraph (a) of this section, will be undertaken by the authorized officer prior to the filing of an application together with advance payment as required by subpart 2928 of this part. Such processing work includes, but is not limited to, special studies, environmental assessments, engineering surveys, resource inventories and detailed land use or record analyses.

(d) The prospective applicant is authorized to go upon the public lands to perform casual acts related to data collection necessary for the filing of an acceptable application. If, however, the authorized officer determines that appreciable surface or vegetative disturbance will occur or is a real possibility, he shall issue a permit with appropriate terms, conditions, and special stipulations pursuant to § 2921.2 of this part.

#### **§ 2922.2 Application.**

##### **§ 2922.2-1 Application filing.**

Applications for a permit or lease shall be filed with any Bureau of Land Management District or Area office having jurisdiction over part or all of the affected public lands, and the applicant will be notified by that area or district manager as to where subsequent communications shall be directed.

##### **§ 2922.2-2 Application content.**

(a) Applications for land use authorizations shall include sufficient detail to enable the authorized officer to evaluate the feasibility of the proposed land use, and whether the proposed use is accordance with the Bureau of Land

Management plans, programs, and policies for public lands covered by the proposed use.

(b) Applications for permit(s) shall be filed on a form approved by the Director of the Bureau of Land Management in accordance with the instructions printed on the application form.

(c) Applications for lease(s) do not require an approved form but the applicant shall submit as a minimum the following information:

(1) The name and address of the applicant and the applicant's authorized agent, if appropriate;

(2) A detailed description of the applicant's proposal;

(3) A map, USGS quadrangle, aerial photo, or equivalent, showing the approximate location of the proposed land use authorization and facilities on public lands and existing improvements adjacent to the proposal. Only the existing adjacent improvements that the proposal may directly affect need be shown on the map;

(4) A statement of the applicant's technical and financial capability to construct, operate, maintain, and terminate the proposal;

(5) Certification by the applicant that he/she is of legal age, a citizen of the United States, or in the case of a corporation, is authorized to do business in the State, and that the information submitted is correct to the best of the applicant's knowledge.

(6) Submission of the initial cost reimbursement payment provided for in § 2928.4.

(7) A statement describing any benefits the public may derive from the proposed land use.

(d) Where a Notice of Availability as provided for in § 2920.0-7 of this part has been published by the Bureau, the applicant shall also include all information required by that notice. Failure to include such information will result in the return of the application without action.

(e) The applicant may submit additional information, including the required Federal and State approvals, a description of alternatives considered, copies of similar applications that were submitted, and separate statements on the economic feasibility, environmental, social, and economic effects of the proposal.

#### **§ 2922.3 Application processing.**

(a) The authorized officer will acknowledge, in writing, receipt of the application and inform the applicant of any initial cost reimbursement payment required by subpart 2928. An application



may be denied if the authorized officer determines that:

(1) The proposed permit or lease would be inconsistent with the purpose for which the public lands are managed;

(2) The proposed permit or lease would not be in the public interest;

(3) The applicant is not qualified;

(4) The permit or lease would be inconsistent with the Act or other applicable laws;

(5) The applicant does not or cannot demonstrate that he or she has the technical or financial capacity to complete and maintain the proposed project; or

(6) The applicant fails to submit the information required by a notice of availability.

(b) The authorized officer may require the applicant for a permit or lease to submit such additional information as deemed necessary for review of the application. All requests for additional information shall be in writing. Where the authorized officer determines that the information supplied by the applicant is incomplete or otherwise does not conform to the Act or these regulations, the authorized officer will notify the applicant of any deficiencies and afford the applicant an opportunity to file a correction. Where the deficiency notice has not been adequately complied with, the authorized officer may reject the application or notify the applicant of the continuing deficiency and afford the applicant an opportunity to file a correction.

(c) Prior to issuing a permit or lease, the authorized officer will:

(1) Complete an environmental assessment in accordance with the National Environmental Policy Act of 1969;

(2) Determine the consistency of the applicant's proposed plans with other applicable Federal and State laws;

(3) Consult with all other Federal, State, and local agencies having an interest in the land or the activity, as appropriate; and

(4) Take any other action necessary to evaluate the application fully, and prescribe suitable terms and conditions for the permit or lease if one is granted.

(d) The authorized officer may hold public meetings on an application for a lease if he determines that such meetings are appropriate and that sufficient public interest exists to warrant the time and expense of such meetings. Notice of public meetings shall be published in the Federal Register and a local newspaper.

(e) A permit or lease need not conform to the applicant's proposal, but may contain such modifications, terms,

stipulations, or conditions, including changes in site location, as the authorized officer determines to be appropriate.

(f) No lease shall become effective until the applicant has accepted, in writing, the terms and conditions of the lease and paid in full all required cost reimbursement and the first year's rental. Written acceptance shall be evidence of an agreement between the applicant and the United States that, in consideration of the right to use public lands, the applicant shall comply with all terms and conditions contained in the lease and the provisions of applicable laws and regulations.

(g) The authorized officer may include a provision in the lease requiring that no construction on or use of the land to which the lease pertains shall occur until a detailed construction, operation, rehabilitation, and environmental protection plan has been submitted to and approved by the authorized officer, and a notice to proceed has been issued by the authorized officer. This requirement may be imposed for all or any part of the leased land.

#### Subpart 2923—Administration of Permits and Leases

##### § 2923.1 General requirements.

##### § 2923.1-1 Rental.

(a) An applicant for a permit shall, prior to issuance, pay the fair market rental value for the permit term as determined by the authorized officer based on sound business management principles and, so far as practicable and feasible, using standard commercial practices.

(b) The holder of a lease shall pay annually, in advance, the fair market rental value as determined by the authorized officer or as scheduled in the individual lease documents, based on sound business management principles and, so far as practicable and feasible, using standard commercial practices. All such rental determinations will be prepared to the standards and format described in the Uniform Appraisal Standards for Federal Land Acquisition (Department of Justice publication) or as required by the Bureau's Appraisal Manual (9310), or in certain cases as required by both, as determined by the authorized officer.

(1) In those instances where the lease term is 5 years or more, and the annual payment is \$100 or less, the authorized officer may require an advance lump sum payment covering 5 years or use.

(2) A late charge of 1 percent per month of the unpaid amount or \$15.00 per month, whichever is greater, shall be

assessed if subsequent billings are required.

(c) Where the authorized officer determines that competitive interest exists for a lease agreement such as for a restaurant, concessionaire site, etc., rental may be determined through competitive bidding procedures set out in § 2923.1-2(c) of this part.

(d) To expedite the processing of any non-competitive lease, the authorized officer may estimate rental and collect a deposit in advance with the agreement that upon completion of the actual appraisal, the advance deposit shall be adjusted according to the final fair market rental value determination retroactive to the date of the lease issuance.

(e) Decisions on lease rental determinations are subject to appeal under subpart 2924 of this part.

(g) If the rental required by this section is not paid when due, and such default for nonpayment continues for 30 days after notice, action may be taken to terminate the land use authorization. After default has occurred, no structures, buildings or other equipment may be removed from the lease area without written permission from the authorized officer.

##### § 2923.1-2 Bidding procedures.

(a) The authorized officer may identify and offer public lands for competitive lease either on his/her own motion or as a result of nomination by the public. The authorized officer will give public notice of such decision through publication of a Notice of Realty Action as provided in paragraph (c)(1) of this section. The decision to offer public lands for competitive lease shall conform to the requirements of the Bureau's land use planning process. The authorized officer shall not offer public lands for competitive land use authorization where equities such as prior or related use of said lands warrant issuance of a non-competitive lease.

(b) A lease issued pursuant to a competitive offer shall be awarded on the basis of the public benefit to be provided, if any, the financial and technical capability of the bidder to undertake the project, and the bid offer. Each bid shall be accompanied by the information required by the notice of realty action and a statement over the signature of the bidder, or anyone authorized to sign for the bidder, that the bidder is in compliance with the requirements of the law and these regulations. A bid of less than the fair market rental value of the lands offered shall not be considered.



(c) The offering of public lands for a lease under competitive bidding procedures shall be conducted in accordance with the following:

(1)(i) A Notice of Realty Action indicating the availability of public lands for competitive lease shall be published in the *Federal Register*, and at least for 3 consecutive weeks in a newspaper of general circulation in the area where the public lands are situated or in such other publication as the authorized offer may designate.

(ii) The Notice of Realty Action shall include the use(s) proposed for the public lands and the time, date and place of the offering, including a description of the lands being offered, terms and conditions of the lease(s), rates, bidding requirements, payment required, where bid forms may be obtained, the form in which the bids shall be submitted, and any other information or requirements determined appropriate by the authorized officer.

(2) Bids may be made either by a principal or a duly qualified agent.

(3) All sealed bids shall be opened at the time and date specified in the Notice of Realty Action, but no bids shall be accepted or rejected at that time. The authorized officer may reject any and all sealed bids. Oral bidding is prohibited. Only those bids received by the close of business on the day prior to the bid opening or at such other time stated in the Notice of Realty Action and made for at least the minimum acceptable bid shall be considered. Each bid shall be accompanied by U.S. currency or certified check, postal money order, bank draft, or cashier's check payable in U.S. currency and made payable to the Department of the Interior-Bureau of Land Management for not less than one-fifth (1/5) of the amount of the bid, and shall be enclosed in a sealed envelope which shall be marked as prescribed in the Notice of Realty Action. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing unless another method is specified in the Notice of Realty Action. The drawing shall be held by the authorized officer immediately following the opening of the sealed bids.

(4) In the event the authorized officer rejects the highest qualified bid or releases the bidder from such bid, the authorized officer shall determine whether the public lands involved in the offering shall be offered to the next highest bidder, withdrawn from the market, or reoffered.

(5) If the highest qualified bid is accepted by the authorized officer, the lease form(s) will be forwarded to the

qualifying bidder for signing. The signed form(s) with the payment of the balance of the first year's rental, if appropriate for that particular offering, shall be returned within 30 days of its receipt by the highest qualified bidder and shall qualify as acceptance of the lease(s).

(6) If the successful qualified bidder fails to execute the lease and pay the balance of the rental payment within the allowed time, or otherwise fails to comply with the regulations of this subpart, the one-fifth remittance accompanying the bid shall be forfeited.

#### **§ 2923.1-3 Bureau of Land Management-initiated land use proposals.**

(a) Where, as a result of the land use planning process, the authorized officer determines that public benefits may be provided and public land management may be enhanced through the development or management of specific tracts of public lands by other entities for a special purpose, the authorized officer may encourage the leasing of public land by any qualified and interested party. A notice requesting submission of proposals from all interested parties shall be published in local newspapers of general circulation for 3 consecutive weeks. If the authorized officer expects more than local interests the notice will also be published in the *Federal Register*.

(b) The most economically feasible proposal for residential, agricultural, industrial, or commercial use that is determined by the authorized officer to conform to an approved land use plan will be accepted by the authorized officer so long as it is compatible with other environmental values. The approved proposal shall constitute an application for lease. However, under no circumstances will the authorized officer accept a proposal for which the rental amount is determined to be below fair market value.

(c) The application (proposal) will be processed as if filed under § 2922.2 of this part.

(d) An applicant for lease under this subpart shall reimburse the United States as required in § 2928.2 of this part.

#### **§ 2923.1-4 Bonding.**

The authorized officer may require the holder of a permit or lease to furnish a bond or other security satisfactory to secure the obligations imposed by the land use authorization and applicable laws and regulations.

#### **§ 2923.1-5 Liability.**

(a) Except as provided in paragraph (c) of this section, each holder shall be fully liable to the United States for any

damage or injury incurred by the United States in connection with the use and occupancy of the land under permit or lease by the holder.

(b) Except as provided in paragraph (c) of this section, holders shall fully indemnify or hold harmless the United States from liability, damage, or claims arising in connection with the holder's use and occupancy of public lands under a permit or lease.

(c) If a holder is a State or local government, or agency or instrumentality thereof, it shall be liable to the fullest extent its laws allow at the time it is granted a permit or lease. To the extent such a holder does not have the power to assume liability, it shall be required to repair damages or make restitution to the fullest extent of its powers at the time of any damage or injury.

(d) All owners of any interest in, and all affiliates or subsidiaries of any holder of a permit or lease, except for holders of publicly issued corporate stock, shall be jointly and severally liable to the United States in the event that a claim for damage or injury cannot be satisfied by the holder.

(e) If the permit or lease is issued to more than one holder, each shall be jointly and severally liable under this section.

#### **§ 2923.2 Holder activity.**

(a) Any substantial deviation in location or authorized use by the holder during construction, operation, or maintenance shall be made only with prior written approval of the authorized officer under § 2921.2 of this part. For the purposes of this paragraph, substantial deviation means:

(1) Construction of the authorized facility outside the prescribed boundaries of the permit or lease.

(2) Substantial change or modification of the authorized use by adding equipment, overhead or underground lines, pipelines, structures, or other facilities not authorized in the permit or lease.

(b) The holder shall notify the authorized officer of any change in status subsequent to the application or issuance of the lease. Such changes include, but are not limited to, legal mailing address and business or corporate status. When requested by the authorized officer, the holder shall update and/or attest to the accuracy of any information previously submitted.

(c) If required by the terms of the lease, the holder shall, subsequent to construction and prior to commencing operations, submit to the authorized officer a certification of construction,



verifying that the facility has been constructed and tested in accordance with terms of the permit or lease, and in compliance with any required plans and specifications, and applicable Federal and State laws and regulations.

#### **§ 2923.3 Immediate temporary suspension of activities.**

(a) If the authorized officer determines that an immediate temporary suspension of activities within a permit or lease area for violation of the terms and conditions of the permit or lease is necessary to protect public health or safety or the environment, he or she may promptly suspend such activities prior to an administrative proceeding. The authorized officer may give an immediate temporary suspension order orally or in writing at the site of the activity to the holder or a contractor or subcontractor of the holder, or to any representative, agent, employee, or contractor of the holder, and the suspended activity shall cease at that time.

(b) As soon as practicable, the authorized officer will confirm an oral order by a written notice sent by certified mail to the holder or the holder's designated agent.

(c) An order of immediate temporary suspension of activities shall remain effective until the authorized officer issues an order permitting resumption of activities.

(d) Any time after an order of immediate temporary suspension has been issued, the holder may file with the authorized officer a request for permission to resume. The request shall be in writing and shall contain a statement of the facts supporting the request.

(e) The authorized officer will render an order either to grant or to deny the request to resume within 5 working days of the date the request is filed. If the authorized officer does not render an order on the request within 5 working days, the request shall be considered denied, and the holder shall have the same right to appeal the denial to the State Director as if a final order denying the request had been issued by the authorized officer.

#### **§ 2923.4 Suspension and termination of land use authorizations.**

(a) If the lease or permit provides by its terms that it shall terminate on the occurrence of a fixed or agreed-upon condition, event, or time, the lease or permit shall thereupon automatically terminate by operation of law, unless some other procedure is specified in the lease or permit. The authorized officer may terminate a lease when the holder

requests or consents to its termination in writing.

(b) The authorized officer may suspend or terminate a permit or lease if he/she determines that the holder has failed to comply with applicable laws or regulations, or any terms, conditions, or stipulations of the permit or lease or has abandoned the permit or lease.

(c) Before suspending or terminating a permit or lease pursuant to paragraph (b) of this section, the authorized officer will give the holder written notice that such action is contemplated and the grounds therefor and shall allow the holder a reasonable opportunity to cure such noncompliance. In the case of a lease, the authorized officer will refer the matter to the Office of Hearings and Appeals for a hearing before an Administrative Law Judge pursuant to 43 CFR part 4. If the Administrative Law Judge determines that grounds for suspension or termination exist and such action is justified, the authorized officer will suspend or terminate the lease.

#### **§ 2923.4-1 Disposition of improvements upon termination.**

Within a reasonable time, as set forth in the lease or permit, after termination of a lease or permit, the holder shall, unless directed otherwise in writing by the authorized officer, remove all structures or improvements installed or erected by the holder, and shall restore the site to the condition specified in the lease or permit to the satisfaction of the authorized officer. If the holder fails to remove all such structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but the holder shall remain liable for the cost of removal of the structures and improvements and for restoration of the site.

#### **§ 2923.5 Change in Federal jurisdiction or disposal of lands.**

(a) Where a permit or lease administered under these regulations involves public lands that are transferred to another Federal agency, administration of the permit or lease shall, at the discretion of the authorized officer, be assigned to the acquiring agency unless such assignment would diminish the rights of the holder.

(b) Where a lease administered under these regulations involves public lands that are transferred out of Federal ownership, the United States will reserve unto itself the continued administration of the lease pursuant to this subpart.

#### **§ 2923.6 Amendments, assignments, and renewals.**

##### **§ 2923.6-1 Amendments.**

(a) Any substantial deviation in location or use as set forth in § 2923.2 of this part shall require the holder of a permit or lease to file an amended application. The requirements for the amended application and the filing are the same as those set forth in subpart 2922 of this part.

(b) Holders of leases issued before October 21, 1976, may not modify their leases. The lessee may choose:

(1) to file an application for a new, additional lease to cover use of additional lands, or

(2) to relinquish the existing lease, and file an application for a new lease to cover existing and proposed uses of additional lands pursuant to the regulations of this part.

##### **§ 2923.6-2 Assignments.**

(a) Permits shall not be assigned.

(b) Any proposed record assignment in whole or in part of any right or interest in a lease or sublease acquired pursuant to the regulations of this part or of a land use authorization issued prior to October 21, 1976, shall be filed in accordance with §§ 2922.1 and 2922.3 of this part. The application for assignment shall be accompanied by the same showing of qualifications of the assignee as if the assignee were filing an application for the lease or sublease. No assignment shall be recognized unless and until it is approved in writing by the authorized officer. The authorized officer may, at the time of approval of the assignment, modify bonding requirements and other conditions of the lease that changed circumstances may reasonably warrant.

(c) All filings for assignments of leases shall be accompanied by a nonrefundable payment of \$50.

##### **§ 2923.6-3 Renewals of leases.**

(a) When a lease issued prior to October 21, 1976, provides that it may be renewed, the authorized officer will renew the lease so long as the development or land improvement is still being used for purposes authorized in the original lease and is being operated and maintained in accordance with all the provisions of the lease pursuant to the regulations of this title.

(b) When a lease does not contain provision for renewal, the authorized officer, upon request from the holder and prior to the expiration of the lease, may renew the lease at his discretion.

(c) Renewals of leases pursuant to paragraph (a) of this section are not subject to cost reimbursement.



**Subpart 2924—Appeals****§ 2924.1-1 Appeals procedure for permits.**

(a) Parties adversely affected by a decision of the authorized officer on a permit may request an administrative review by the authorized officer's immediate supervisor. The immediate supervisor upon review of the authorized officer's decision will either vacate, modify, or affirm that decision.

(b) There shall be no further administrative review.

**§ 2924.1-2 Appeals procedure for leases.**

(a) All appeals from final lease decisions of the authorized officer under this part (except § 2923.6-3(d)) shall be taken under 43 CFR part 4 to the Interior Board of Land Appeals, Office of Hearings and Appeals.

(b) All decisions of the authorized officer under this part shall remain effective pending appeal unless the Secretary rules otherwise, and the provisions of 43 CFR 4.21(a) shall not apply to such decisions.

**Subpart 2928—Reimbursement of Costs****§ 2928.1 General.**

(a) An applicant for a lease under this part shall reimburse the United States in advance for the expected reasonable administrative and other costs incurred by the United States in processing the application and monitoring the authorization, including the preparation of any reports or statements pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), prior to the United States having incurred such costs. Reimbursement is not required for permits.

(b) The regulations in this subpart do not apply to State and local governments or agencies or instrumentalities thereof when a lease is granted for governmental purposes benefiting the general public. However, if the principal source of revenue results from charges being levied on customers for services similar to those rendered by a profit making corporation or business, the lessee shall not be exempt from reimbursement of costs.

**§ 2928.2 Cost recovery categories.****§ 2928.2-1 Application categories.**

(a) A nonrefundable fee shall be submitted with each lease application in accordance with the fee schedule in § 2928.3-1 of this title. The categories of lease applications used in the fee schedule are described as follows:

(1) *Category I.* An application for a lease to authorize a use of public lands for which the data necessary to comply with the National Environmental Policy

Act and other statutes are available in the office of the authorized officer or from data furnished by the applicant, and no field examination is required.

(2) *Category II.* An application for a lease to authorize a use of public lands for which the data necessary to comply with the National Environmental Policy Act and other statutes are available in the office of the authorized officer or from data furnished by the applicant, and 1 field examination to verify existing data is required.

(3) *Category III.* An application for a lease to authorize a use of public lands for which the data necessary to comply with the National Environmental Policy Act and other statutes are available in the office of the authorized officer or from data furnished by the applicant, and 2 field examinations to verify existing data are required.

(4) *Category IV.* An application for a lease to authorize a use of public lands for which some original data are required to be gathered to comply with National Environmental Policy Act and other statutes, and 2 or 3 field examinations are required.

(5) *Category V.* An application for a lease to authorize a use of public lands for which the gathering of original data are required to comply with the National Environmental Policy Act and other statutes, and/or where substantial multi-year monitoring costs could be incurred; and 3 or more field examinations are required.

**§ 2928.2-2 Category determination.**

(a) The authorized officer shall determine the appropriate processing and monitoring category and collect the required application processing fee pursuant to §§ 2928.3-1 and 2928.5 of this part before processing an application. A record of the authorized officer's category determination shall be made and given to the applicant. This determination is a final decision for purposes of appeal under § 2924.1 of this part. Where an appeal is filed, actions pending decision on appeal shall be in accordance with § 2928.6 of this part.

(b) During the processing of an application, the authorized officer may change a category determination to place an application in Category V at any time it is determined that the application requires the preparation of an environmental impact statement. A record of change in category determination under this paragraph shall be made and furnished to the applicant. The revised determination is appealable in the same manner as an original category determination under paragraph (a) of this section. No other

changes of category determination shall be permitted.

**§ 2928.3 Fees and payments.****§ 2928.3-1 Application fees.**

(a) The nonrefundable fee by category for processing an application for a lease is:

Category	Fee
I .....	\$200.
II .....	350.
III .....	550.
IV .....	950.
V .....	As Required.

On January first of each year the fee schedule shall be adjusted to reflect the change in the Implicit Price Deflator for the Gross National Product of the prior second quarter to second quarter period. Adjustments shall be made to the nearest \$25 increment and shall be available from any Bureau of Land Management State or District Office or may be obtained by writing: Director (320), Bureau of Land Management, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

(b) Where the amount submitted by the applicant under paragraph (a) of this section exceeds the amount of the required fee determined by the authorized officer, the excess shall be refunded. If requested in writing by the applicant, the authorized officer may apply all or part of any such refund to the lease monitoring fee required under § 2928.4 of this part or to the rental payment required by § 2923.1-1 of this part.

(c) Upon a determination that a lease application falls under Category V;

(1) The authorized officer will:

(i) Complete a preliminary scoping of the issues involved;

(ii) Prepare a preliminary work plan;

(iii) Develop a preliminary financial plan, estimating the actual costs to be incurred by the United States in the processing of the application; and

(iv) Discuss funding availability, options for cost reimbursement (i.e., a determination of reasonable costs under section 304(b) of the Act, paying all actual costs, or selecting the 1 percent ceiling under paragraph (f)(2) of this section), and information to be submitted by the applicant, including costs and other financial information.

(2) An applicant/holder may submit a written analysis of the estimated actual cost showing specific monetary value considerations, public benefits, public services, or other data or information supporting a finding that an application for a lease is qualified for a reduction or



waiver of cost reimbursement under section 304(b) of the Act or § 2928.5 of this part. If the applicant elects a cost analysis under this paragraph, the provisions of paragraph (f) of this section shall not apply.

(d) The authorized officer will discuss the preliminary plans and data and verify the information that may be submitted by the applicant under paragraph (c) of this section. The applicant is encouraged to do all or part of any special study or analysis required in connection with the processing of the application to standards established by the authorized officer.

(e) After coordination with the applicant as required by paragraph (d) of this section, the authorized officer will develop final plans for scoping, work, and financing that reflect any work the applicant agreed to do, and complete a final estimate of the amount of the actual costs to be reimbursed by the applicant, giving consideration to the factors set forth in section 304(b) of the Act.

(f) An applicant may elect to waive consideration of reasonable costs under paragraph (e) of this section and either:

(1) Agree to pay all actual costs incurred by the United States in processing the application and monitoring the lease; or

(2) Pay the actual costs of processing the application and monitoring the lease up to the amount estimated by the authorized officer to equal 1 percent of the applicant's planned costs of construction or development on the public lands for which a lease is sought. Under this alternative, the applicant shall not be responsible for actual costs exceeding 1 percent of the estimated cost of constructing or developing the proposed facilities on public lands. The request for a waiver of these costs shall be in writing and filed with the authorized officer.

(g) The applicant shall reimburse the United States for the applicant's share of costs, as determined under paragraphs (e) and (f) of this section, before the lease shall be issued.

(h) Where a State Director grants a reduction or waiver of cost reimbursement under the provisions of paragraph (e) of this section and/or § 2928.5 of this part or where the reimbursable costs of processing an application are determined to exceed 1 percent of the cost of construction or development of the facilities under paragraph (f) of this section, the necessary funding will be made available either through the Bureau's appropriation process, or otherwise made available for the processing of the

application, or such processing shall not proceed.

(i) The authorized officer shall provide the applicant with a written determination of reasonable costs to be reimbursed by the applicant or holder and those that will be funded by the United States under paragraphs (e) and (f) of this section and § 2928.5 of this part. This determination is a final decision for purposes of appeal under § 2924.1 of this part. Where an appeal is filed, actions pending decision on appeal shall be in accordance with § 2928.6 of this part.

#### § 2928.3-2 Periodic advance payments.

(a) The authorized officer may periodically estimate the reasonable costs expected to be incurred by the United States for specific work periods in processing an application for lease determined to be in Category V or monitoring the lease under the provisions of § 2928.3-1 of this part, and notify the applicant of the estimated amount to be reimbursed for the period and the applicant shall make payment of such estimated reimbursable costs prior to the incurring of such costs by the United States.

(b) If the payments required by paragraph (a) of this section exceed the actual costs incurred by the United States, the authorized officer will adjust the next billing to reflect the overpayment or make a refund from applicable funds under the authority of 43 U.S.C. 1734. An applicant shall not set off or otherwise deduct any debt due it or any sum claimed to be owed it by the United States without the prior written approval of the authorized officer.

(c) The authorized officer may re-estimate the actual costs determined under § 2928.3-1(e) through (g) of this part at any time it is determined that a change warranting a re-estimate occurs. An appeal of a re-estimate shall be treated in the same manner as an appeal of an original estimate made under § 2928.3-1(e) of this part.

(d) Before issuance of a lease, an applicant shall pay such additional amounts as are necessary to reimburse the United States in full for any costs incurred but not yet paid under § 2928.3-1.

#### § 2928.3-3 Costs incurred for a withdrawn or denied application.

(a) An applicant whose application is denied is liable for any costs incurred by the United States in processing the application. Those amounts that have not been paid are due within 30 days of the receipt of a bill from the authorized officer stating the amount due.

(b) An applicant who withdraws an application before a lease is issued is liable for all costs incurred by the United States in processing the application up to the date the authorized officer receives the written notice of withdrawal, and for costs subsequently incurred in terminating the processing of said application. Those amounts that have not been paid are due within 30 days of receipt of a bill from the authorized officer identifying the amount due.

#### § 2928.3-4 Joint liability for payments.

(a) When 2 or more applications for a lease are filed which the authorized officer determines to be in competition with each other, each applicant shall reimburse the United States as required by § 2928.3 of this part, subject however, to the provisions of § 2928.1(b) of this part. Each applicant shall be responsible for the reimbursement of the reasonable costs identified with his/her application. Costs that are not readily identifiable with either of the applications, such as costs for portions of an environmental impact statement that relate to all of the applications, generally shall be paid by each applicant in equal shares or such other proportion as may be agreed to in writing by the applicants and the authorized officer prior to the United States incurring such costs.

(b) When, through partnership, joint venture or other business arrangements, more than 1 person, partnership, corporation, association or other entity apply together for a lease, each such applicant shall be jointly and severally liable for costs under § 2928.3 of this part for the entire system, subject, however, to the provisions of § 2928.1(b) of this part.

#### § 2928.4 Reimbursement of costs for monitoring.

(a) A holder of a lease for which a fee was assessed under § 2928.3 of this part shall, prior to the United States incurring such costs, reimburse the United States for costs to be incurred by the United States in monitoring the construction, operation, maintenance, and termination of authorized facilities on the lease area, and for protection and rehabilitation of the lands involved, under the following schedule:

(1) The same category as determined under § 2928.2-2 of this part for processing of an application for a lease shall be used for monitoring except for authorizations requiring continuous monitoring. Where the monitoring category is different from the application category, an appealable decision will be issued in order to



establish the monitoring category. The one-time fees for non-continuous monitoring of a lease determined to be in Categories I through IV are as follows:

Category	Fee
I.....	\$75
II.....	125
III.....	275
IV.....	400

On January first of each year the fee schedule shall be adjusted to reflect the change in the Implicit Price Deflator for the Gross National Product for the prior fiscal year. Adjustments shall be made to the nearest \$25 increment and shall be available from any Bureau of Land Management State or District Office or may be obtained by writing: Director (320), Bureau of Land Management, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

(2) The monitoring fee for a lease determined to be a Category V or a lease requiring continuous monitoring shall be included with the cost determined under §§ 2928.3-1 through 2928.3-4 of this part.

(b) The holder shall submit the payment for the cost of monitoring required by paragraph (a)(1) of this section or the first periodic advance payment required under § 2928.3-2 of this part, as appropriate, along with the written acceptance of the terms and conditions of the lease. No lease shall be issued until the required payment is made.

#### § 2928.5 Other cost considerations.

(a) The State Director, after consultation with an applicant or holder making a request for a reduction or waiver of reimbursable costs under this title, may reduce or waive reimbursement required under § 2928.1(b) or §§ 2928.3-1 through 2928.3-4 of this part. In reaching a decision, the State Director may require the applicant/holder to submit in writing any information or data in addition to that required by § 2928.3-1(c) of this part that he/she determines to be needed to support a proposed finding that an application for a lease qualifies for a reduction or waiver of cost reimbursement. Action on a Category V application shall be suspended pending the State Director's decision.

(b) The State Director may base the decision to reduce or waive reimbursable costs on any of the following factors:

(1) The applicant's/holder's financial condition is such that payment of the fee

would result in undue financial hardship;

(2) The application processing or lease monitoring costs are determined to be grossly excessive in relation to the costs of constructing the facilities or project requiring the lease on the public lands;

(3) A major portion of the application processing or lease monitoring costs are the result of factors not related to the actual permit or lease;

(4) The applicant/holder is a nonprofit organization, corporation, or association which is not controlled by or a subsidiary of a profitmaking enterprise;

(5) The studies undertaken in connection with the processing of the application have a public benefit;

(6) The development or land improvement requiring the lease will provide a special service to the public or to a program of the Secretary;

(7) The lease is needed to build structures or facilities upon or otherwise develop the public land, to prevent or mitigate damages to any lands or improvements, or mitigate hazards or danger to public health and safety not caused by the lessee;

(8) The lessee is required to secure a new lease in order to relocate developments or facilities which are required to be moved because the lands are needed for a Federal or federally funded project, if such relocation is not funded by the United States;

(9) Relocation of a development or facility on a lease requires a new or amended lease in order to comply with the law, regulations or standards of public health and safety and environmental protection which were not in effect at the time the original lease was issued.

(c) A determination by the State Director is a final decision for purposes of appeal under § 2924.1 of this part. Where an appeal is filed, actions pending decision on appeal shall be in accordance with § 2928.6 of this part.

(d) Notwithstanding a finding by the State Director that there is a basis for reduction of the costs required to be reimbursed under this subpart, the State Director may not reduce such costs if funds to process the application(s) or to monitor the lease(s) are not otherwise available, or may delay such decision pending the availability of funds.

#### § 2928.6 Action pending decision on appeal.

(a) Where an appeal is filed on an application determined under § 2928.2-2(a) of this part to be in Categories I through IV, the application shall not be accepted for processing without payment of the fee for such application

according to the category determined by the authorized officer. However, when payment is made, the application shall be processed and, if proper, the lease shall be issued and any refund or other adjustment made that is directed as a result of the appeal.

(b) Where an appeal is filed for an application determined under § 2928.2-2(a) of this part to be in Category V or for a related cost reimbursement determination under § 2928.3-1 (e) through (g) or § 2928.5(c) of this part, processing of the application shall be suspended pending the outcome of the appeal.

#### PART 9230—TRESPASS

2. The authority citation for part 9230 is revised to read:

Authority: 42 U.S.C. 1732, 1733, 1740, and 1761-1771.

3. Section 9239.7 is revised to read:

#### § 9239.7 Realty.

4. Section 9239.7-1 is revised to read:

#### § 9239.7-1 Public lands.

The filing of an application under part 2800, 2810, 2880, or part 2920 of this chapter does not authorize the applicant to use or occupy the public lands for realty purposes except as provided at § 2800.0-5(m), § 2802.1(d), § 2882.1, and § 2920.0-2(k), until written authorization has been issued by the authorized officer and received by the applicant. Any unauthorized occupancy or use of public lands or improvements constitutes a trespass against the United States for which the trespasser is liable for costs, damages, and penalties as provided in § 2801.3, § 2812.1-3, § 2881.3, and § 2921.3 of this title. No new permit, license, authorization, or grant of any kind shall be issued to a trespasser until:

(a) The trespass claim is fully satisfied; or

(b) The trespasser files a bond conditioned upon payment of the amount of damages determined to be due the United States; or

(c) The authorized officer determines in writing that there is a legitimate dispute as to the fact of the trespasser liability or as to the extent of his liability, and the trespasser files a bond in an amount determined by the authorized officer to be sufficient to cover payment of a future court judgment in favor of the United States.

Dated: August 27, 1990.

James M. Hughes,  
Deputy Assistant Secretary of the Interior.  
[FR Doc. 90-27427 Filed 11-20-90; 8:45 am]  
BILLING CODE 4310-04-M



# Federal Register

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Wednesday  
November 21, 1990

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## Part VII

### Department of Transportation

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#### Federal Aviation Administration

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14 CFR Part 61, et al.

**Anti-Drug Program for Personnel  
Engaged in Specified Aviation Activities;  
Disposition of Comments**



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 61, 63, 65, and 121

[Docket No. 25148; Amdts 61-83, 63-26, 63-33, 121-203]

RIN 2120-AC33

## Anti-Drug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Disposition of comments.

**SUMMARY:** This document summarizes and responds to comments received by the FAA concerning the amendment to the final rule on the anti-drug program that was issued April 11, 1989. That amendment extended certain compliance dates and revised the method by which certain entities may be covered by anti-drug programs approved by the FAA. The amendment also made minor editorial changes and clarifications to the final anti-drug rule to aid an employer's development and implementation of an approved anti-drug program. In order to provide the public timely clarification on and assistance in implementing the anti-drug program, the FAA did not issue a notice of proposed rulemaking. However, the FAA provided a 30-day period after publication of the amendment to the final rule, during which interested persons could comment on the amendment. Although the closing date for comments was May 15, 1989, the FAA considered all comments submitted to the docket including those received after May 15.

**ADDRESSES:** The Anti-Drug Program for Personnel Engaged in Specified Aviation Activities final rule and all comments may be examined in Docket No. 25148 at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket, room 915-G, 800 Independence Avenue SW., Washington, DC 20591. The Rules Docket is open weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathleen M. Latika, Office of Aviation Medicine, Drug Abatement Branch (AAM-220), Federal Aviation Administration, room 2336, 400 Seventh Street SW., Washington, DC 20591; telephone (202) 366-6710.

**SUPPLEMENTARY INFORMATION:****Background**

The FAA issued the final anti-drug rule on November 14, 1988 (53 FR 47024;

November 24, 1988), requiring certain commercial aviation employers and operators to develop and to implement an anti-drug program for employees performing specified aviation activities. After the final rule was issued, the FAA identified various practical implementation questions and issues. Representatives of aviation organizations and employers subject to the final rule expressed concern about certain procedural aspects and timeframes required by the rule. These entities maintained that the timeframes in the final rule for program submission were not realistic in terms of the complexity of the rule and that, in addition, several sections of the rule needed clarification.

The FAA also received a formal petition from the Air Transport Association of America (ATA) and the Regional Airline Association (RAA). The petitioners jointly requested that the FAA extend the effective date as it applies to the testing of contract employees. The petitioners suggested that this additional time could be used to fully explore the most effective methods for including contract employees in the testing program. The petitioners raised additional issues: Whether contractors may file their own drug testing plans directly with the FAA; and whether the FAA should defer the testing of employees located outside of the United States indefinitely. The petitioners suggested that the FAA should suspend the requirement for testing outside the United States until the Department of Transportation, Department of State, and foreign governments fully explore the implications of the final rule.

Before the petition of ATA and RAA was received, the FAA had been considering the effect of the final rule on the industry. Because of the complexities and the significant amount of work involved in setting up a program, the FAA determined that some extension of timeframes for submission of programs was warranted. Hence, the FAA issued an amendment to the final rule on April 11, 1989 (54 FR 15148; April 14, 1989).

**The Amendment**

The first change included in the amendment was an extension of the timeframes by which an employer must submit an anti-drug program to the FAA. The FAA added 120 days to the time period in which employers and operators must submit an anti-drug plan to the FAA for approval. However, the date in which employers would begin testing employees for drug use was not changed; rather the time period to

implement a program after the employer's plan is approved was reduced. For example, in the final rule, part 121 and large part 135 certificate holders were allowed a 120-day period for plan submission and a 180-day time period for implementation of that plan, or a total of 300 days. In the amendment to the final rule, a certificate holder was allowed 240 days to submit a plan and a 60-day period to implement that plan, or an identical 300-day total period. Other appropriate sections of the final rule were changed in the amendment to extend the dates by which other employers and operators must submit anti-drug programs to the FAA for approval.

Further, the amendment clarified the distinction between individuals who are directly employed by an affected employer and those employees who provide sensitive safety- or security-related functions for an employer, pursuant to contract, usually described as "contract employees." As a result of this amendment, testing of contract employees is not required until 360 days after testing is initiated for direct employees of a certificate holder. Also, because of the complexities of testing contractor employees, the FAA amended the anti-drug final rule to permit contractors and consortia to submit plans directly to the FAA for approval rather than be included in a certificate holder's approved plan.

The amendment also addressed the impact of the final rule on persons located outside of the United States. Because of the added complexity of the final rule in the international arena, the FAA deleted the affirmative obligation for a diplomatic response from a foreign government and extended the effective date of the final rule as it may apply to employees located outside of the United States until January 1, 1991. By subsequent rule amendment, the date has been extended until January 2, 1992 (54 FR 53282; December 27, 1989).

Finally, other minor, editorial changes were made to clarify the intent of the final rule.

**Discussion of the Comments**

The amendment to the anti-drug rule was effective upon issuance on April 11, 1989. Comments were invited until May 15, 1989. The FAA reviewed all comments submitted to the docket that addressed the final rule amendment. Those nine comments and the FAA's response are discussed below.

**Contractor Employees**

Dalfort Aviation Services (Dalfort) comments that the FAA may not have



accomplished one of the stated purposes of the amendment by providing the means by which a contractor, such as a repair station, could submit and obtain approval of its own anti-drug plan. Specifically, Dalfort states that the wording of paragraph (A)(2) of section IX of appendix I, that "Each employer shall implement the employer's approved anti-drug program for its contractor employees \* \* \*", could be interpreted to require implementation of the certificate holder's program by the contractor rather than implementation of the contractor's own program. Dalfort comments that this would pose a particular problem for its operation as a certified repair station because it would mean implementing the anti-drug programs of many part 121 certificate holders. Dalfort suggests changing the wording of that paragraph to read, "Each employer shall implement an approved program \* \* \*".

#### The FAA's Response

The FAA assures Dalfort and other similar operators that paragraph (A)(2) of section IX does not preclude a contractor from submitting its own anti-drug plan to the FAA for approval. Paragraph (A)(6) was specifically developed to enable any repair station certificated by the FAA to submit its own anti-drug plan to the FAA for approval. Similarly, paragraph (A)(7) permits an entity or individual whose employees perform covered functions for a certificate holder by contract to submit an anti-drug plan directly to the FAA for approval. Although the employer may not use a contractor to perform covered functions unless the contractor's employees are drug tested in accordance with appendix I, the employer is responsible for actually implementing only its own approved program under section IX of appendix I.

The FAA does not agree that the wording of paragraph (A)(2) should be changed. That wording was carefully developed to apply to those part 121 or part 135 certificate holders who want to include contractor employees under their own anti-drug program. The purpose of that paragraph is to ensure that, if a certificate holder chooses to include its contractor employees in its approved anti-drug program, those employees would be covered under the certificate holder's approved program.

#### Small Businesses and Single Operators

Four comments were received from small businesses or independently employed operators who are engaged in aerial, agricultural application operations. Operators engaged in aerial, agricultural application operations are

not required to have an operating certificate under either part 121 or part 135, but nevertheless are included in the anti-drug program rule under § 135.1(c). These § 135.1(c) operators oppose the requirement to develop and submit an anti-drug program to the FAA for approval because of the cost involved, because they believe that there have been no accidents caused by drugs in this type of business, and because they fear that a false reading of a specimen could cause a loss of job or could ruin their business. Several other small operators, not § 135.1(c) operators, comment that measures should be taken to ensure the validity of tests such as certification of laboratories, periodic testing of laboratory employees, and the splitting of specimens to double check the specimen in case of a false reading.

#### The FAA's Response

In general, the issues raised by these commenters are beyond the scope of the final rule amendment. However, the FAA is responding to them to foster understanding about the purpose and content of the rule requirements. For example, certain aspects of the anti-drug, such as post-accident and random testing, are acknowledged by the FAA as particularly problematic for single-person operators. In its efforts to assist these single-person aviation entities in their compliance with the anti-drug rule, the FAA has issued guidance materials tailored to the unique needs of this aviation category.

*Guidelines For Single-Person Aviation Businesses: Implementing the FAA Anti-Drug Program*, a booklet issued by the FAA in February 1990 and available from the FAA regional Drug Abatement Branch offices, is a "plain language" summary of the rule requirements as they pertain to this category. In addition to containing a model anti-drug plan, the booklet provides advice and direction that should greatly assist single-person aviation entities in complying with particular aspects of the anti-drug rule. The FAA is continually reviewing rule requirements as they apply to this category and will develop suitable educational materials as deemed necessary or helpful.

The four commenters who are aerial, agricultural application operators express concern regarding the costs, presumably exacerbated by time constraints, of development of an anti-drug program. In addition to the eventual mitigation of costs that will be realized by both the availability of consortia services and education through FAA advisory and guidance materials, these § 135.1(c) operators have received relief in a recent rule

amendment published March 22, 1990 (55 FR 10756). This rule amendment allows § 135.1(c) operators a 1-year extension for submitting their anti-drug plans for FAA approval. Not only will this additional time be beneficial to these § 135.1(c) operators in their plan development, it will also be useful to the FAA, allowing the agency time to review the scope of the rule as to inclusion of such operations and to develop and disseminate appropriate guidance materials.

In reference to the fears of commenters as to the accuracy of drug testing, the final rule requires that industry drug testing programs comply with the Department of Transportation's Procedures for Transportation Workplace Drug Testing Programs (49 CFR part 40). The 49 CFR part 40 procedures were published on November 21, 1988 (53 FR 47002). A revised version was published on December 1, 1989 (54 FR 49354). These procedures are based on the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" developed by the Department of Health and Human Services (53 FR 11970; April 11, 1988).

Like the DHHS guidelines, the DOT procedures require certification of laboratories performing urinalysis for drugs and also require a two-step specimen analysis system. The initial test or screening is used to determine the possible presence of drugs or drug metabolites. A specimen testing positive on the initial test is subject to a confirmation test using gas chromatography/mass spectrometry. The GC/MS method is the most technologically advanced test available. It is extremely accurate and virtually error-free when used in compliance with the procedures. If the GC/MS test shows no evidence of drugs, the test is reported as negative. In the case of a positive result, the results of the test are referred to a medical review officer (MRO) who reviews the employee's medical history or other biomedical factors to determine if there is a legitimate explanation for the positive test result. A confirmed positive result is verified and reported by the MRO only if he or she determines after the review that there is no legitimate medical explanation for a confirmed positive result that is consistent with legal drug use. In addition, the revised 49 CFR part 40 procedures permit an employer's plan to include a split sample provision.

#### Preemptive Effect of the Final Rule

Aviall, Inc., a part 145 certificate holder operating as a U.S. powerplant



repair station, comments that the FAA should clarify the preemptive effect of the final rule. Aviall recognizes the FAA's statutory authority to preempt State and local laws that would interfere with the anti-drug rule. However, Aviall seeks assurance that the preemptive effect attaches as soon as the testing procedures have begun in the case of an employer who implements its FAA-approved anti-drug program at an earlier date than is required by the final rule. Aviall believes that if the FAA chooses not to have preemption attach at the time of predeadline implementation, employers will delay submission and implementation of an anti-drug program until the absolute deadline. Aviall encourages the FAA to clarify that preemption attaches upon implementation, whatever that date.

#### The FAA's Response

Although this comment was received after the closing date for comments, the FAA takes this opportunity to clarify the preemptive nature of the final rule. As Aviall correctly states, the FAA included a provision in the final rule stating that the rule "preempts any State or local law, rule, regulation, order, or standard that covers testing of commercial aviation employees for the presence of drugs or drug metabolites that would prohibit or limit drug testing required under the rule." The language of the final rule requires compliance "not later than" a specified date, depending on the size of the aviation entity and the type of operation.

The final rule clearly permits an employer or operator to implement an approved anti-drug program in advance of the deadlines in the regulation. The FAA noted in the preamble that the rule "does not prohibit an employer from implementing its anti-drug program sooner than required by the FAA's schedule if the employer is able to comply with the rule requirements and the provisions of its anti-drug program at an earlier date." Moreover, the preemption provision in appendix I states that "issuance" of the FAA's regulation preempts any State or local law covering the same subject matter. It is the FAA's opinion that the preemptive effect attaches to all drug testing conducted by an employer pursuant to its approved anti-drug program in compliance with the requirements of the final rule. This includes drug testing conducted by an employer pursuant to an approved anti-drug program that occurs prior to the date by which the rule absolutely requires an employer to implement its approved program and to commence drug testing.

#### Need for Clarification, Extension of the Final Rule

The Soaring Society of America (SSA) comments that the extension granted by the FAA in amending the final anti-drug rule is inadequate for compliance by employers and operators who have not yet determined the applicability of the anti-drug requirements to their activities. Therefore, SSA believes that operators who do not hold either a part 121 or a part 135 certificate should be allowed an additional 360 days (until April 1991) to submit an anti-drug program to the FAA for approval. SSA suggests that testing of direct and contract employees could be implemented at the same time in light of the recommended 360-day extension. In addition, SSA recommends that the FAA disseminate Advisory Circular (AC) 121-30 more widely by sending a copy to all national organizations who commented on the anti-drug amendment, by including an AC 121-30 order form in national organizations' publications, and by sending all Part 135 certificate holders and non-FAA/non-military ATC facilities copies of AC 121-30.

#### The FAA's Response

The FAA agrees generally with SSA. As previously noted, the FAA has amended the rule to extend the date of plan submission for operators who are not part 121 or part 135 certificate holders, and has developed and disseminated new compliance guidance materials. The amendment grants § 135.1(c) operators a 1-year extension for submitting their anti-drug plans for FAA approval. This 1-year extension will enable the FAA to review further the scope of the rule and to determine whether changes are warranted.

Moreover, in accordance with SSA's recommendation as to guidance the FAA has developed and issued two publications to assist covered employers and operators in complying with FAA program requirements. The *Implementation Guidelines For The FAA Anti-Drug Program* contains "plain language" guidance for the majority of those covered by the rule, and also includes the texts of the FAA final rule and DOT's interim final rule (on drug testing procedures) (superseded); the April 11, 1989, amendment to the final rule regarding which these comments were submitted; and Advisory Circular 121-30. As previously discussed, *Guidelines For Single-Person Aviation Businesses* was developed to assist this particular aviation group. This publication encompasses advice on compliance for single-person operators,

assistance in addressing the thorny implementation issues, and a sample model plan for submission to the FAA. The FAA also has disseminated copies of the DOT final rule on drug testing procedures, which was issued on November 27, 1989 (54 FR 49854; December 1, 1989).

#### Employee Assistance Programs

The Employee Assistance Professionals Association, Inc., (EAPA) essentially agrees with the purpose and content of the anti-drug final rule; however, EAPA also comments that "the execution of a comprehensive drug-testing program is not the most effective way to deter substance abuse in the workplace." EAPA states that the final rule does not go far enough in providing a formal definition and structure for a comprehensive employee assistance program that would provide policies and resources for dealing with on-the-job drug problems. EAPA provides a definition of such a program and its core activities: consultation and training, appropriate diagnosis, confidential problem-assessment services, treatment and assistance, and follow-up services. EAPA does not recommend that the FAA mandate the elements of an EAP; rather, EAPA urges the FAA to clarify the final rule to indicate that employee assistance programs are not limited to "education and training programs."

#### The FAA's Response

This issue was not raised in the amendment to the anti-drug program final rule; however, many comments on both EAPs and issues of rehabilitation were received and reviewed by the FAA in the course of this rulemaking. The FAA determined in formulating the final rule that the employer or operator should have the maximum flexibility and discretion to develop an EAP appropriate for its employees. The final rule does require a minimum amount of training for supervisors who will make determinations to test an employee based on reasonable cause. The final rule, however, sets forth only the minimum requirements for an EAP and does not preclude an employer from providing additional training and assistance to its employees. Based on existing EAPs discussed in comments submitted over the course of the rulemaking process, the FAA believes that many employers will exceed the minimum requirement.

The FAA does not agree, however, that EAPs can or should be substituted for drug testing programs. Even the most comprehensive EAP will not have the same degree of effectiveness. The FAA



believes that a strong message must be sent to commercial aviation employers and operators that the use of drugs will not be tolerated in the aviation industry and that drug testing remains a vital part of the effort to ensure a drug-free aviation workplace.

Issued in Washington, DC on November 16, 1990.

Robert R. McMeekin,

*Federal Air Surgeon, Aviation Medicine*

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P.L.U.S." (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

**H.R. 5007/Pub. L. 101-545**

To designate the facility of the United States Postal Service located at 100 South John F. Kennedy Drive, Carpentersville, Illinois, as the "Robert McClory Post Office Building". (Nov. 14, 1990; 104 Stat. 2394; 1 page) Price: \$1.00

**H.R. 5409/Pub. L. 101-546**

To designate the Post Office building at 222 West Center Street in Orem, Utah, as the "Arthur V. Watkins Post Office Building". (Nov. 14, 1990; 104 Stat. 2395; 1 page) Price: \$1.00

**H.J. Res. 673/Pub. L. 101-547**

To designate November 2, 1990, as a national day of prayer for members of American military forces and American citizens stationed or held hostage in the Middle East, and for their families. (Nov. 14, 1990; 104 Stat. 2396; 2 pages) Price: \$1.00

**S. 3156/Pub. L. 101-548**

To correct a clerical error in Public Law 101-383. (Nov. 14, 1990; 104 Stat. 2398; 1 page) Price: \$1.00

**S. 1630/Pub. L. 101-549**

To amend the Clean Air Act to provide for attainment and

maintenance of health protective national ambient air quality standards, and for other purposes. (Nov. 15, 1990; 104 Stat. 2399; 314 pages) Price: \$9.50

**H.R. 1396/Pub. L. 101-550**

Securities Acts Amendments of 1990. (Nov. 15, 1990; 104 Stat. 2713; 20 pages) Price: \$1.00

**H.R. 1463/Pub. L. 101-551**

National Capital Transportation Amendments of 1990. (Nov. 15, 1990; 104 Stat. 2733; 3 pages) Price: \$1.00

**H.R. 2497/Pub. L. 101-552**

Administrative Dispute Resolution Act. (Nov. 15, 1990; 104 Stat. 2736; 13 pages) Price: \$1.00

**H.R. 3045/Pub. L. 101-553**

Copyright Remedy Clarification Act. (Nov. 15, 1990; 104 Stat. 2749; 2 pages) Price: \$1.00

**H.R. 3069/Pub. L. 101-554**

Displaced Homemakers Self-Sufficiency Assistance Act. (Nov. 15, 1990; 104 Stat. 2751; 7 pages) Price: \$1.00

**H.R. 3310/Pub. L. 101-555**

To authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991. (Nov. 15, 1990; 104 Stat. 2758; 4 pages) Price: \$1.00

**H.R. 4630/Pub. L. 101-556**

Baca Location No. 1 Land Acquisition and Study Act of 1990. (Nov. 15, 1990; 104 Stat. 2762; 4 pages) Price: \$1.00

**H.R. 5112/Pub. L. 101-557**

Home Health Care and Alzheimer's Disease Amendments of 1990. (Nov. 15, 1990; 104 Stat. 2766; 6 pages) Price: \$1.00

**H.R. 5113/Pub. L. 101-558**

Injury Control Act of 1990. (Nov. 15, 1990; 104 Stat. 2772; 2 pages) Price: \$1.00

**H.R. 5419/Pub. L. 101-559**

To designate the Federal Building at 88 West 100 North in Provo, Utah, as the "J. Will Robinson Federal Building". (Nov. 15, 1990; 104 Stat. 2774; 1 page) Price: \$1.00

**H.R. 5507/Pub. L. 101-560**

Regarding the Early Winters Resorts. (Nov. 15, 1990; 104 Stat. 2775; 3 pages) Price: \$1.00

**H.R. 5667/Pub. L. 101-561**

To amend the Water Resources Development Act of 1974 to transfer jurisdiction



of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes. (Nov. 15, 1990; 104 Stat. 2778; 2 pages) Price: \$1.00

**H.R. 5708/Pub. L. 101-562**

To authorize acquisition of certain real property for the Library of Congress, and for other purposes. (Nov. 15, 1990; 104 Stat. 2780; 2 pages) Price: \$1.00

**H.J. Res. 562/Pub. L. 101-563**

Designating October 21 through 27, 1990 as "National Humanities Week". (Nov. 15, 1990; 104 Stat. 2782; 1 page) Price: \$1.00

**H.J. Res. 652/Pub. L. 101-564**

To designate March 25, 1991, as "National Medal of Honor Day". (Nov. 15, 1990; 104 Stat. 2783; 1 page) Price: \$1.00

**H.J. Res. 657/Pub. L. 101-565**

Granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes. (Nov. 15, 1990; 104 Stat. 2784; 13 pages) Price: \$1.00

**S. 639/Pub. L. 101-566**

Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990. (Nov. 15, 1990; 104 Stat. 2797; 5 pages) Price: \$1.00

**S. 1805/Pub. L. 101-567**

To authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164. (Nov. 15, 1990; 104 Stat. 2802; 2 pages) Price: \$1.00

**S. 3215/Pub. L. 101-568**

To authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil. (Nov. 15, 1990; 104 Stat. 2804; 2 pages) Price: \$1.00

**S.J. Res. 318/Pub. L. 101-569**

Providing for the appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution. (Nov. 15, 1990; 104 Stat. 2806; 1 page) Price: \$1.00

**S.J. Res. 369/Pub. L. 101-570**

Designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty". (Nov.

15, 1990; 104 Stat. 2807; 1 page) Price: \$1.00

**H.R. 2419/Pub. L. 101-571**

To authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest. (Nov. 15, 1990; 104 Stat. 2808; 2 pages) Price: \$1.00

**H.R. 3656/Pub. L. 101-572**

Gas Related Activities Act of 1990. (Nov. 15, 1990; 104 Stat. 2810; 2 pages) Price: \$1.00

**H.R. 4107/Pub. L. 101-573**

To authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park in the Commonwealth of Virginia. (Nov. 15, 1990; 104 Stat. 2812; 2 pages) Price: \$1.00

**H.R. 4793/Pub. L. 101-574**

Small Business Administration Reauthorization and Amendments Act of 1990. (Nov. 15, 1990; 104 Stat. 2814; 20 pages) Price: \$1.00

**H.R. 4808/Pub. L. 101-575**

Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. (Nov. 15, 1990; 104 Stat. 2834; 4 pages) Price: \$1.00

**H.R. 5687/Pub. L. 101-576**

Chief Financial Officers Act of 1990. (Nov. 15, 1990; 104 Stat. 2838; 18 pages) Price: \$1.00

**H.R. 5871/Pub. L. 101-577**

Farm Pledge Quota Revisions Act of 1990. (Nov. 15, 1990; 104 Stat. 2856; 2 pages) Price: \$1.00

**H.R. 5796/Pub. L. 101-578**

To conduct certain studies in the State of New Mexico. (Nov. 15, 1990; 104 Stat. 2858; 4 pages) Price: \$1.00

**H.J. Res. 606/Pub. L. 101-579**

Designating February 16, 1991, as "Lithuanian Independence Day". (Nov. 15, 1990; 104 Stat. 2862; 1 page) Price: \$1.00

**S. 459/Pub. L. 101-580**

To amend title 35, United States Code, with respect to the use of inventions in outer space. (Nov. 15, 1990; 104 Stat. 2863; 2 pages) Price: \$1.00

**S. 1931/Pub. L. 101-581**

Criminal Victims Protection Act of 1990. (Nov. 15, 1990; 104

Stat. 2865; 2 pages) Price: \$1.00

**S. 2056/Pub. L. 101-582**

Year 2000 Health Objectives Planning Act. (Nov. 15, 1990; 104 Stat. 2867; 4 pages) Price: \$1.00

**S. 2930/Pub. L. 101-583**

To eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes. (Nov. 15, 1990; 104 Stat. 2871; 1 page) Price: \$1.00

**S. 3187/Pub. L. 101-584**

To address immediate problems affecting environmental cleanup activities. (Nov. 15, 1990; 104 Stat. 2872; 2 pages) Price: \$1.00

**S. 3237/Pub. L. 101-585**

Silver Coin Proof Sets Act. (Nov. 15, 1990; 104 Stat. 2874; 2 pages) Price: \$1.00

**S.J. Res. 302/Pub. L. 101-586**

Providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution. (Nov. 15, 1990; 104 Stat. 2876; 1 page) Price: \$1.00

**S.J. Res. 357/Pub. L. 101-587**

To designate October 1-31, 1991, as "Community Center Month". (Nov. 15, 1990; 104 Stat. 2877; 2 pages) Price: \$1.00



